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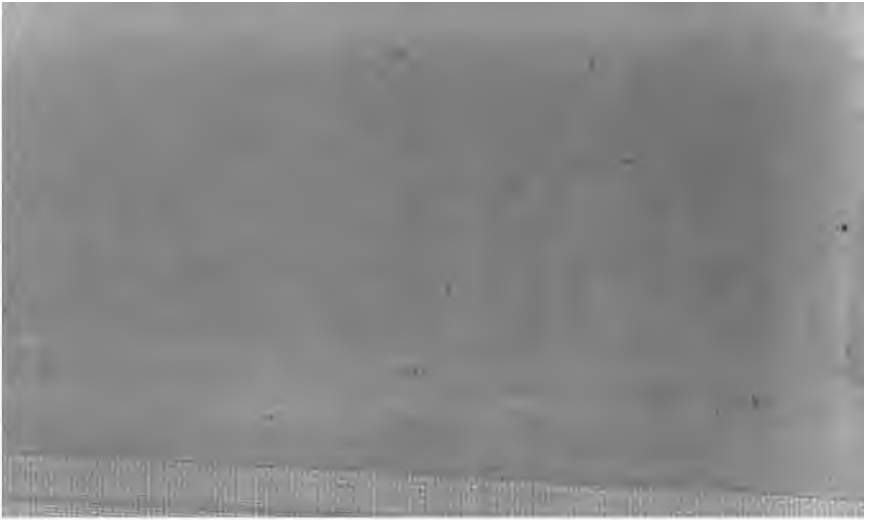

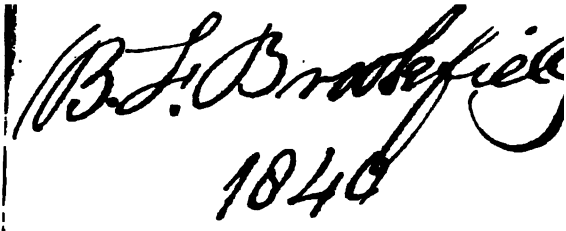
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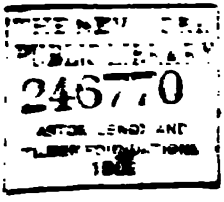

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MANUAL

OF

LEGISLATIVE PRACTICE

AND

ORDER OF BUSINESS,

IN THE

LEGISLATURE

OF THE

STATE OF NEW JERSEY.

BY CHARLES SITGREAVES.

TRENTON:
B. DAVENPORT.
1836.

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Printed by J. T. Sherman.

TO His Excellency PETER D. VROOM,
Governor,

Hon. Daniel B. Ryall,
Speaker of the House of Assembly,
Hon. Christian B. Zabriskie,
Hon. Stephen D. Day,
Hon. Jeptha B. Munn,
Hon. David Ryerson,
Hon. William Wilson,
Hon. William Thomson,
Hon. John Perrine, jr.
Hon. Thomas Arrowsmith,
Hon. Charles Stokes,
Hon. John W. Mickle,
Hon. Samuel Humphreys,
Hon. Joshua Brick,
Hon. Jeremiah Leaming.
Michael Saunier, Abraham Lydecker, John H. Hopper, James W. Wade, Jacob Flatt, Joseph N. Tuttle, Andrew Parsons, John J. Chetwood, Henry Hilliard, Isaac Quimby, James Cook, John D. Jackson, Joshua Shay, Joseph Linn, John Strader, George Flummerfelt, John Young, Caleb H. Valentine, William Marshall, Wilson Bray, John Blane, Joseph Brown, John Hall, Nicholas C. Jobs,

STATE OF NEW JERSEY,

In Council, Jan. 7th, A.D. 1836.

THE FOLLOWING COMMUNICATION WAS PRESENTED TO COUNCIL BY THE VICE PRESIDENT.

To the members of the Legislative Council of the State of New Jersey.

Gentlemen:

During the recess, I have compiled a manual of Legislative practice, which I herewith present to your consideration and acceptance.

The peculiarity of our State Constitution, in vesting almost unlimited powers in the Legislative Council and General Assembly; the general character of our Legislative rules, and the peculiarity of our Legislative practice, in dispensing almost entirely with committees of the whole, render it difficult for a new member to acquire a knowledge of the practice and order of business in a whole session, and impossible to acquire that knowledge from any book of practice now extant. The manual I have compiled, embodies the Legislative practice of New Jersey

the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten,

to a manual of Legislative practice, presented to the Council, for their consideration and acceptance, by the Vice President, ask leave to report—

That they have had the manuscript of the proposed manual under consideration, and have spent some time, in reviewing the same, and hereby recommend its acceptance as a valuable compilation, and calculated to be very useful in effecting the objects set forth in the communication of the Vice President.

CHARLES STOKES,
J. B. MUNN,
JEREMIAH LEAMING.

1*st Month*, 11*th*, *A.D.* 1836.

HOUSE OF ASSEMBLY, Jan. 11. A.D. 1836.

Mr. HILLIARD presented the following resolution which passed the two houses unanimously.

"*Resolved*, By the Council and General Assembly (Council concurring therein), that the Treasurer of this State be authorised to purchase one hundred and thirty copies of the manual of Legislative practice, compiled by the Vice President, and recommended for acceptance by a committee of Council.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior and with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it;

but, if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against *the law of nations*:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies: (but no appropriation of money to that use shall be for a longer term than two years:)

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by

this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties, in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the

receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless

actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be count-

ed. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been

fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

The President shall be commander in chief of the army and navy of the United States, and

of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall, from time to time, give to the Congress information of the state of the Union, and

recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a com-

pensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes

shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belong-

ing to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that

no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives beforementioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment

of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.
John Langdon,
Nicholas Gilman.

Massachusetts.
Nathaniel Gorham,
Rufus King.

Connecticut.
William Samuel Johnson,
Roger Sherman.

New York.
Alexander Hamilton.

New Jersey.
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Delaware.
George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.
James M'Henry,
Daniel of St. Thos. Jenifer,
Daniel Carroll.

Virginia.
John Blair,
James Madison, jun.

North Carolina.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

South Carolina.
John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.
William Few,
Abraham Baldwin.

Attest:
WILLIAM JACKSON, *Secretary.*

IN CONVENTION.

MONDAY, SEPTEMBER 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix on a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Consti-

ution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEO. WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and

regulating commerce, and the correspondei executive and judicial authorities, should l fully and effectually vested in the General G vernment of the Union; but the impropriety delegating such extensive trusts to one body men is evident; hence results the necessity of different organization.

It is obviously impracticable, in the Feder Government of these States, to secure all righ of independent sovereignty to each, and y provide for the interest and safety of all. Ind viduals entering into society must give up share of liberty to preserve the rest. The ma nitude of the sacrifice must depend as well c situation and circumstance, as on the object be obtained. It is at all times difficult to dra with precision, the line between those righ which must be surrendered, and those whi may be preserved; and, on the present occasio this difficulty was increased by a differen among the several States, as to their situatio extent, habits and particular interests.

In all our deliberations on this subject, w kept steadily in our view that which appears us the greatest interest of every true America the consolidation of our Union; in which is i volved our prosperity, felicity, safety, perha our national existence. This important co sideration seriously and deeply impressed o minds; and led each State in the Convention be less rigid on points of inferior magnitud than might have been otherwise expected; an

thus the Constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By unanimous order of the Convention:

GEO. WASHINGTON, *President.*

His Excellency *the President of Congress.*

The United States in Congress assembled:

Friday, September 28, 1787.

Present—New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of tl Convention lately assembled in Philadelphia,

Resolved, unanimously, That the said repo with the resolutions and letter accompanyir the same, be transmitted to the several Legisl tures, in order to submit to a convention delegates chosen in each State by the peop thereof, in conformity to the resolves of tl Convention, made and provided in that case.

CHARLES THOMSON, *Secretary.*

AMENDMENTS.

Article the First.

Congress shall make no law respecting a establishment of religion, or prohibiting the fr exercise thereof; or abridging the freedom speech or of the press; or the right of the pe ple peaceably to assemble, and to petition tl Government for a redress of grievances.

Article the Second.

A well regulated militia being necessary the security of a free state, the right of the pe ple to keep and bear arms shall not be infringe

Article the Third.

No soldier shall, in time of peace, be quarter in any house without the consent of the owne

nor in time of war, but in a manner to be prescribed by law.

Article the Fourth.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the Fifth.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article the Sixth.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which dis-

trict shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him: to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Article the Seventh.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Article the Eighth.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the Ninth.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the Tenth.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article the Eleventh.

The Judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

Article the Twelfth.

The electors shall meet in their respective States, and vote, by ballot, for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate: the President of the Senate shall, in presence of the Senate, and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed: and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of

those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

(*The following article was proposed by Congress to the several states for their adoption as part of the Constitution, and has been ratified*

by the State of Pennsylvania, and some of the other states, but had not, in March 1825, *been ratified by the number of states required by the fifth article of the Constitution, and is therefore as yet, no part of the Constitution of the United States.*)

Eleventh Congress, second Session, November 27th, 1809.

ART. 13. If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them. [*See Const. U. S. Art.* 1. *s.* ix. p. 13.]

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6. When a member shall be called to order b the President, or a Senator, he shall sit dow and every question out of order shall be decid by the President without debate, subject to a appeal to the Senate; and the President m call for the sense of the Senate on any questi of order.

7. If the member be called to order by a Sen tor for words spoken, the exceptionable wor shall immediately be taken down in writing, th the President may be better enabled to judge the matter.

8. No member shall absent himself from t service of the Senate, without leave of the Sena first obtained. And, in case a less number th a quorum of the Senate shall convene, they a hereby authorized to send the Sergeant-at-arm or any other person or persons by them auth rized, for any or all absent members, as the m jority of such members present shall agree, the expense of such absent members, respe tively, unless such excuse for non-attendan shall be made as the Senate, when a quorum convened, shall judge sufficient; and, in th case, the expense shall be paid out of the conti gent fund. And this rule shall apply as well the first convention of the Senate at the leg time of meeting, as to each day of the sessio after the hour has arrived to which the Sena stood adjourned.

9. No motion shall be debated until the san *shall be seconded.*

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points, any member may have the same divided: but, on a motion to strike out and insert, it shall not be in order to move for a division of the question: but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strike out: nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

15. The unfinished business in which the

Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business, which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majo-

rity to move for the reconsideration thereof: but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

21. When the Senate are equally divided, the Secretary shall take the decision of the President.

22. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States, and the Senators shall signify their assent or dissent, by answering, ay or no.

23. The Vice President, or President of the Senate pro tempore, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

24. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the

same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee, shall, after the first reading, be printed for the use of the Senate: but no other paper or document shall be printed for the use of the Senate, without special order.

26. Every bill shall receive three readings previous to its being passed; and the President shall give notice, at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent, or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees.

27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole,

before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President pro tempore, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President pro tempore.

29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present: but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment: and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed by the Senate.

31. The titles of bills, and such pa only as shall be affected by propos ments, shall be inserted on the journa

32. The proceedings of the Senate, acting as in committee of the whole, entered on the journal as concisely as care being taken to detail a true and account of the proceedings: but every the Senate shall be entered on the jour a brief statement of the contents of each memorial, or paper, presented to the shall also be inserted on the journal.

33. The following Standing Committ consist of five members each, shall be ap at the commencement of each session, leave to report by bill or otherwise:

A Committee on Foreign Relations,
A Committee on Finance,
A Committee on Commerce,
A Committee on Manufactures,
A Committee on Agriculture,
A Committee on Military Affairs,
A Committee on the Militia,
A Committee on Naval Affairs,
A Committee on Public Lands,
A Committee on Private Land Claims,
A Committee on Indian Affairs,
A Committee of Claims,
A Committee on Revolutionary Claims,
A Committee on the Judiciary,
A Committee on the Post Office and Roads,

mittee on Roads and Canals,
mittee on Pensions,
mittee on the District of Columbia,
mittee of three members, whose duty
e to audit and control the contingent
of the Senate, and
nmittee, consisting of three members,
ıty it shall be to examine all bills,
ents, resolutions, or motions, before
out of possession of the Senate, and
ver the same to the Secretary of the
who shall enter upon the journal that
has been correctly engrossed.
the appointment of the Standing Com-
he Senate will proceed by ballot, sever-
ppoint the chairman of each committee,
by one ballot, the other members ne-
o complete the same; and a majority
hole number of votes given, shall be
r to the choice of a chairman of a
committee. All other committees shall
ıted by ballot, and a plurality of votes
ke a choice. When any subject or
ıall have been referred to a committee,
r subject or matter of a similar nature,
motion, be referred to such committee.
ıen motions are made for reference of
subject to a select committee, and to a
committee, the question on reference to
ling committee shall be first put.
hen nominations shall be made in wri-
the President of the United States to

the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify, the whole, or any part shall be received. Its second reading shall be for consideration, and on a subsequent day when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be "Shall these words stand as part of the article?" And in every of the said cases, the concurrence of two-thirds of the Senators present shall be *requisite to* decide affirmatively. And when *through the* whole, the proceedings shall

stated to the House, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand as part of the resolution?" And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

38. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

39. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

40. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the secretary, the principal or the

ıtive clerk, the sergeant-at-arms and door-
:r, and the assistant doorkeeper.

. The legislative proceedings, the execu-
proceedings, and the confidential legislative
eedings, of the Senate, shall be kept in
ırate and distinct books.

2. The President of the United States shall,
m time to time, be furnished with an authen-
ated transcript of the executive records of the
nate; and all nominations approved, or defi-
tively acted on by the Senate, shall be returned
y the Secretary from day to day, as such pro-
eedings may occur; but no further extract
rom the executive journal shall be furnished,
xcept by special order; and no paper, except
original treaties transmitted to the Senate by
the President of the United States, or any ex-
ecutive officer, shall be returned or delivered
from the office of the Secretary, without an
order of the Senate for that purpose.

43. When an amendment to be proposed t
the Constitution is under consideration, the co
currence of two-thirds of the members prese
shall not be requisite to decide any question
amendments, or extending to the merits, be
short of the final question.

44. When any question may have been
cided by the Senate, in which two-thirds of
members present are necessary to carry
affirmative, any member who votes on that
which prevailed in the question may

liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

45. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

46. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

47. The reporters shall be placed on the floor of the Senate, under the direction of the secretary.

No person, except members of the House of Representatives, their clerk, Heads of Departments, Treasurer, Comptrollers, Register, Auditors, Postmaster General, President's secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their secretaries, officers who, by name, have received or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor, for the time being, of any State or Territory of the Union, such gentlemen as have been Heads of Departments, or members of either branch of the Legislature, and, at the discretion of the President of the Senate, persons who belong to such Legislatures of foreign Governments, as are in amity with the United States, shall be admitted on the floor of the Senate.

48. The presiding officer of the Senate sl
have the regulation of such parts of the Cap
and of its passages, as are or may be set ap
for the use of the Senate and its officers.

49. The Secretary of the Senate, the serge
at-arms and doorkeeper, and the assistant d
keeper, shall be chosen on the second Mon
of the first session of the twenty-first Congr
and on the same day of the first session of ev
succeeding Congress.

JOINT RULES

AND

ORDERS

OF

THE TWO HOUSES.

In every case of an amendment of a bill ɔed to in one House, and dissented to in the ır, if either House shall request a conference, appoint a committee for that purpose, and other House shall also appoint a committee onfer, such committee shall, at a convenient ', to be agreed on by their chairman, meet in conference chamber, and state to each other, ıally or in writing, as either shall choose, reasons of their respective Houses for and nst the amendment, and confer freely thereon.

When a message shall be sent from the ıte to the House of Representatives, it shall nnounced at the door of the House by the keeper, and shall be respectfully communi- l to the Chair by the person by whom it be sent.

The same ceremony shall be observed n a message shall be sent from the House of resentatives to the Senate.

14. Each House transmits to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution is lost.

16. No bill that shall have passed one House shall be sent for concurrence to the other, on either of the three last days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

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RULES

FOR CONDUCTING BUSINESS

IN THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES.

Touching the duty of the Speaker.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that

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3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this *form, to wit:* "As many as are of opinion that

urer, Comptroller, Register, Auditor, Postma
General, President's Secretary, Chaplains
Congress, Judges of the United States, Fore
Ministers and their Secretaries, officers w
by name, have received, or shall hereafter
ceive, the thanks of Congress for their gallan
and good conduct displayed in the service of t
country, the Commissioners of the Navy Bo
Governor, for the time being, of any State
Territory of the Union, who may attend at
seat of the General Government during the sess
of Congress, and who may choose to avail him
of such privilege, such gentlemen as have b
heads of Departments, or members of eit
...ch of the Legislature, and, at the discret
of the Speaker, persons who belong to s
Legislatures of Foreign Governments as ar
amity with the United States, shall be admi
within the Hall of the House of Representati

14. Stenographers, wishing to take down
debates, may be admitted by the Speaker, v
shall assign such places to them on the floo
elsewhere, to effect their object, as shall
interfere with the convenience of the House.

Order of business of the Session.

15. After six days from the commencem
of a second or subsequent session of a
Congress, all bills, resolutions, and repo
which originated in the House, and at the cl
of the next preceding session, remained unde
mined, shall be resumed and acted on in

same manner as if an adjournment had not taken place.

Order of Business of the Day.

16. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State, and delegates from each Territory, beginning with Maine: and if, on any day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day; Provided, that, after the first thirty days of the session, petitions shall not be received except on the first day of the meeting of the House in each week.

17. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for and disposed of. Resolutions shall then be called for in the same order, and disposed of by the same rules, which apply to petitions: Provided, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called. And after one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirma-

tive, the speaker shall dispose of the bills, messages, and communications on his table, and then proceed to call the orders of the day.

18. The business specified in the two preceding rules shall be done at no other part of the day, except by permission of the House.

Local or private Business.

19. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other.

Of Decorum and Debate.

20. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

21. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and

manner as if an adjournment had not
place.

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motion to amend, and, if carried, shall be considered equivalent to its rejection.

33. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.

34. A motion to adjourn shall be always in order; that and the motion to lie on the table, shall be decided without debate.

35. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment, and further debate of the main question, as well as of pending amendments; and the question shall be taken on the amendments, in order, if amendments be pending, and then on the main question.

36. On a previous question there shall be no debate.

37. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

38. Any member may call for the division of a question which shall be divided if it comprehends questions so distinct, that, one being taken away, the rest may stand entire for the decision of the House: a motion to strike out and insert

ticularly interested, or in any case where he was not present when the question was put.

27. Upon a division and count of the House on any question, no member without the bar shall be counted.

28. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

29. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

30. Every motion shall be reduced to writing if the Speaker or any member desire it.

31. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

32. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a

the Speaker, or by a member in his place. A brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of the being first read, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

46. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

47. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

48. Upon calls of the House or in taking the

yeas and nays on any question, the names of the members shall be called alphabetically.

49. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

50. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend.

51. Upon the call of the House the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever they be found, by special messengers to be appointed for that purpose.

52. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

53. A Sergeant-at-Arms shall be appointed to hold his office during the pleasure of the House, whose duty it shall be to attend the

House during its sitting; to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

54. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one tenth of a dollar per mile.

55. Twenty-one standing committees shall be appointed at the commencement of each session, viz.

A Committee of Elections,
A Committee of Ways and Means,
A Committee of Claims,
A Committee on Commerce,
A Committee on the Public Lands,
A Committee on the Post Office and Post Roads,
A Committee for the District of Columbia,
A Committee on the Judiciary,
A Committee on Revolutionary Claims,
A Committee on Public Expenditures,
A Committee on Private Land Claims,
A Committee on Manufactures,
A Committee on Agriculture,
A Committee on Indian Affairs,
A Committee on Military Affairs,
A Committee on Naval Affairs,
A Committee on Foreign Affairs,
A Committee on the Territories,

A Committee on Revolutionary Pensions,
A Committee on Invalid Pensions,
A Committee on Roads and Canals,
(*To consist of nine members each.*)

A Committee of Revisal and unfinished Business, and
A Committee of accounts,
(*To consist of five members each.*)

56. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

57. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report from time to time, their opinion thereon; to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys; and to report whether the moneys have been disbursed conformably with such laws; and, also, to report, from time to time, such provisions and arrange

ments as may be necessary to add to the economy of the Departments, and the accountability of their officers.

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and, where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

58. At every session of Congress, commencing on the first Monday of December, it shall be the duty of the Committee of Ways and Means, within thirty days after their appointment, to report the General Appropriation bills—for the civil and diplomatic expenses of Government; for the army; the navy; and for the Indian department and Indian annuities; or in failure thereof, the reasons of such failure; and general appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

59. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

60. It shall be the duty of the Committee of Claims to take into consideration all such peti-

tions and matters or things touching claims a demands on the United States, as shall be p sented, or shall or may come in question, and referred to them by the House; and to rep their opinion thereupon, together with such p positions for relief therein as to them shall se expedient.

61. It shall be the duty of the Committee Commerce to take into consideration all su petitions and matters or things touching t commerce of the United States, as shall be p sented, or shall or may come into question, a be referred to them by the House; and to rep from time to time, their opinion thereon.

62. It shall be the duty of the Committee the Public Lands to take into consideration such petitions and matters or things respect the lands of the United States, as shall be p sented, or shall or may come in question, a be referred to them by the House; and to rep their opinion thereupon, together with such p positions for relief therein as to them shall se expedient.

63. It shall be the duty of the Committee the Post Office and Post Roads, to take i consideration all such petitions and matters things touching the post office and post ro as shall be presented, or may come in questi and be referred to them by the House; and report their opinion thereupon, together w such propositions relative thereto as to th shall seem expedient.

64. It shall be the duty of the Committee for
he District of Columbia, to take into considera-
ion all such petitions, matters, or things, touch-
ng the said District, as shall be presented, or
hall come in question, and be referred to them
y the House; and to report their opinion
hereon, together with such propositions rela-
ive thereto as to them shall seem expedient.

65. It shall be the duty of the Committee on
he Judiciary, to take into consideration such
etitions and matters, or things touching judi-
ial proceedings, as shall be presented, or may
ome in question, and be referred to them by
he House; and to report their opinion there-
pon, together with such propositions relative
hereto as to them shall expedient.

66. It shall be the duty of the Committee on
evolutionary Claims, to take into consideration
such petitions and matters or things touching
ims and demands originating in the revolu-
ary war, or arising therefrom, as shall be
sented, or shall or may come in question, and
referred to them by the House; and to re-
their opinion thereupon, together with such
positions for relief therein, as to them shall
expedient.

It shall be the duty of the Committee on
Expenditures, to examine into the state of
veral public Departments, and particularly
ws making appropriations of moneys, and
ort whether the moneys have been dis-
conformably with such laws; and, also,

to report, from time to time, such provisions and arrangements as may be necessary to add, to the economy of the Departments, and the accountability of their officers.

68. It shall be the duty of the Committee on Private Land Claims, to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

69. It shall be the duty of the Committee on Military Affairs, to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and, also, to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

70. It shall be the duty of the Committee on Naval Affairs, to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and, also, to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

71. It shall be the duty of the Committee on Foreign Affairs, to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall

be referred to them by the House, and to report their opinion on the same.

72. It shall be the duty of the Committee on the Territories, to examine into their legislative, civil, and criminal proceedings, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

73. It shall be the duty of the Committee on Revolutionary Pensions, to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.

74. It shall be the duty of the Committee on Invalid Pensions, to take into consideration all such matters respecting invalid pensions, as shall be referred to them by the House.

75. It shall be the duty of the Committee on Roads and Canals, to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

76. It shall be the duty of the Committee of Revisal and Unfinished Business, to examine and report what laws have expired, or are near expiring, and require to be revived or further con-

tinued; also, to examine and report, from the Journal of the last session, all such matters as were then depending and undetermined.

77. It shall be the duty of the Committee of Accounts, to superintend and control the expenditures of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon; and, also, to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House.

78. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duty shall continue until the first session of the ensuing Congress.

1. A committee on so much of the public accounts and expenditures as relate to the Department of State;

2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department;

3. A committee on so much of the public accounts and expenditures as relate to the Department of War;

4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy;

5. A committee on so much of the public accounts and expenditures as relate to the Post Office; and

6. A committee on so much of the public counts and expenditures as relate to the iblic Buildings.
(*To consist of five members each.*)

79. It shall be the duty of the said committees examine into the state of the accounts and penditures respectively submitted to them, d to inquire and report particularly—
Whether the expenditures of the respective partments are justified by law:
Whether the claims from time to time satisd and discharged by the respective Departnts are supported by sufficient vouchers, ablishing their justness both as to their charter and amount:
Whether such claims have been discharged t of funds appropriated therefor; and whether moneys have been disbursed in conformity th appropriation laws: and
Whether any, and what, provisions are nessary to be adopted, to provide more perfectly the proper application of the public moneys, d to secure the Government from demands just in their character, or extravagant in their nount.
And it shall be, moreover, the duty of the said mmittees to report, from time to time, whether y, and what, retrenchment can be made in e expenditures of the several Departments, ithout detriment to the public service; whether y, and what, abuses at any time exist, in

101. All amendments made to an original m tion in committee shall be incorporated with t motion, and so reported.

102. All amendments made to a report co mitted to a Committee of the Whole Hou shall be noted and reported, as in the case bills.

103. All questions, whether in committee in the House, shall be propounded in the ord in which they were moved, except that, in fi ing up blanks, the largest sum and longest tim shall be first put.

104. No motion or proposition for a tax c charge upon the people shall be discussed t day in which it is made or offered; and ever such proposition shall receive its first discussio in a Committee of the Whole House.

105. No sum or quantum of tax or dut voted by a Committee of the Whole House, sha be increased in the House until the motion c proposition for such increase shall be first di cussed and voted in a Committee of the Who House; and so in respect to the time of it continuance.

106. All proceedings touching appropriation of money shall be first discussed in a Commi tee of the Whole House.

107. The rules of proceedings in the Hous shall be observed in a Committee of the Whol House, so far as they may be applicable, excep the rule limiting the time of speaking; but n member shall speak twice to any question, unt

Executive, and to each branch of the Legislature, of every State.

85. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.

86. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

87. The Sergeant-at-Arms and the Doorkeeper shall be sworn to keep the secrets of the House.

88. All questions relating to the priority of business to be acted on, shall be decided without debate.

Of Bills.

89. Every bill shall be introduced by motion for leave, or by an order of the House, on the report of the committee; and in either case, a committee to prepare the same shall be appoint-

ed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill; and every such motion may be committed.

90. Every bill shall receive three several readings in the House previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

91. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

92. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House: if to a Committee of the Whole House, the House shall determine on what day. But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

93. Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole, and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

94. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

95. All bills ordered to be engrossed shall be executed in a fair round hand.

96. No amendment by way of *rider* shall be received to any bill on its third reading.

97. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Of Committees of the Whole House.

98. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.

99. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.

100. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

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CONSTITUTION

OF THE

STATE OF NEW JERSEY.

WHEREAS all the constitutional authority ever
ssessed by the kings of Great Britain over these
lonies, or their other dominions, was, by com-
ct, derived from the people, and held of them,
the common interest of the whole society;
egiance and protection are, in the nature of
ngs, reciprocal ties, each equally depending
on the other, and liable to be dissolved by
: others being refused or withdrawn: and
ıereas George the Third, king of Great Britain,
ɜ refused protection to the good people of
ɜse colonies; and by assenting to sundry acts
the British parliament, attempted to subject
ɜm to the absolute dominion of that body; and
ɜ also made war upon them, in the most cruel
ɨ unnatural manner, for no other cause than
ıerting their just rights—all civil authority
der him is necessarily at an end, and a disso-
ion of government in each colony has conse-
ɜntly taken place.

And whereas, in the present deplorable situa-

tion of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honourable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well being of America in general:—We, the representatives of the colony of New Jersey, having been elected by all the counties in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter rights, and the form of a constitution, in the manner following, viz.

1. That the government of this province shall be vested in a governor, legislative council, and general assembly.

2. That the said legislative council and general assembly shall be chosen, for the first time, on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is hereinafter mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in

the year of our Lord one thousand seven hundred and seventy-seven.

3. That, on the second Tuesday in October yearly, and every year forever, (with the privilege of adjourning from day to day, as occasion may require,) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be, and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of assembly; provided, that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds, proclamation money, in real and personal estate, in the same county; that, on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided, that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto: Provided, always, that if a majority of the representatives of this province, in council and general assembly convened, shall at any

time or times hereafter, judge it equitable and proper to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly shall not, at any time, be less than thirty-nine.

4. That all inhabitants of this colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers that shall be elected by the people of the county at large.

5. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

6. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that they shall

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great-Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress,
Burlington, July 2, 1776.

By order of Congress:

SAMUEL TUCKER, *President.*

Extract from the minutes.

WILLIAM PATTERSON, *Secretary.*

RULES AND ORDERS

TO BE OBSERVED IN THE

IOUSE OF ASSEMBLY

OF THE

STATE OF NEW JERSEY.

ıber necessary to compose the House for adjournment.

That the Speaker and any two members, sufficient number to meet and adjourn the e from day to day, when necessary.

ime of meeting and penalty for absence.

That in adjournment, from day to day, member attend precisely at the time to ı the House was last adjourned, and for t of a quarter of an hour, in any case, he be subject to a reprimand from the Chair, ı the House admit his excuse.

at if any member, while the House is met, t himself from the business thereof, for the of a quarter of an hour, at any one time, ut leave previously obtained, he shall be ct to the censure of the House, unless his e be admitted.

That when the House shall send their sergeant-at-arms for any absent member, the said member be answerable for the expense, to be deducted from his certificate of wages, unless the House allow his excuse of absence.

Speaker's duty.

3. That the Speaker take the chair from time to time, at the expiration of the last adjournment, and that he attend carefully to the preservation of order, and regularity in transacting the business of the House, but shall not engage in any debate, or propose his opinion on any question without leave of the House.

Behaviour of Members and Clerk.

4. That every member attend strictly and constantly to the business of the House; and that no member interrupt or disturb the House by speaking to his fellow members, entering into private conference, or removing from place to place while any member is speaking, or the clerk reading, by the direction of the House; and that whoever offends against this order, shall be subject to a public reprimand from the Chair.

That every member, when he speaks in the House, do stand up in his place, and address himself to the Chair, and that he be uncovered, unless he be of the people called Quakers.

That in all debates and proceedings, the members observe the strictest decorum, and particu-

that they treat the Speaker with all proper
ence and respect; and that if any one use
cent expressions, or utter any personal re-
ions, or otherwise offend herein, he be cen-
d, according to the nature and aggravation
ie offence.
hat the Clerk, when reading, or giving infor-
on upon any subject by order of the Speaker,
tand up in his place.

The order of Business of the Day.

That the business of the first meeting of
i day be conducted in the following manner,
vit: 1. To read the minutes. 2. To re-
e memorials and petitions. 3. To receive
report of committees. 4. To proceed on
orders and promiscuous business of the
, giving preference to the unfinished business
he preceding sitting; and that the business
ie second meeting be conducted in the same
mer, except as to reading the minutes.
'hat all bills and special reports of the com-
ees, be numbered by the Clerk as they are
erally introduced, and a list made of the
.e, to lie on the table, and be called up for
sideration, by the Speaker, according to their
ierical orders; subject nevertheless to post-
ement on special motion, for the purpose of
.ng up any bill or report which the House
r order to be taken up and considered in pre-
nce.

thing spoken by him in debate, respecting any member, otherwise than in the House and before the next adjournment, except the member so spoken of shall be absent; and that the members consider themselves under the obligation of honor not to repeat out of the House any thing uttered in debate, which being known may be likely to involve injurious consequences to the public or any individual.

Order of taking questions.

9. That when any question is stated, and by the House agreed to be put, no member shall be at liberty to withhold his vote without the leave of the House.

That the yeas and nays be entered on the question for passing every original or re-engrossed bill, except the same be unanimous.

That upon the call of the House, or taking the yeas and nays on any question, the names of the members be called alphabetically; and that the Speaker's name be called in the alphabetical order with the other members.

That the yeas and nays be entered on every question taken in the House when moved for and seconded, and supported, by five members rising in its favor.

That unless the yeas and nays shall be required in the usual mode, on any question before the House, the sense of the House shall be taken, by the Speaker's stating the question and then saying, "As many as are in favor of the question,

member to the Chair for that purpose, be reduced to writing by the person moving the same.

That when any motion shall be made and seconded, the name of the person moving and seconding the same, shall be entered on the minutes therewith, if any two members require it.

That when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member who voted with the majority on said question, to move for a re-consideration thereof, on the same or the succeeding day, which shall be determined by the assent of two-thirds of the members present.

Order of Debate.

7. That no member speak more than three times on the same subject, in the same debate, without the leave of the House.

That all questions of order be determined by the Speaker, subject to an appeal to the House when demanded by four members.

That when two or more members rise to speak nearly at the same time, the Speaker do decide who shall speak first, and call him by name, and that such member then proceed, unless the House interfere and adjudge otherwise.

Freedom of Speech.

8. That all due freedom of speech be supported and maintained in the House; that no member be called to answer with respect to any

Message to Council.

11. That all messages be sent from this House to Council by the Clerk.

Reading Rules, &c.

12. That the rules and orders of the House be read over at the first meeting, and also, on qualifying a new member, if required.

That a title of a bill be subject to alteration, by the consent of a majority of the House, after the enacting clauses are agreed to, any time before the bill be engrossed.

13. That the consideration of the title of every bill be postponed until the enacting clauses are gone through.

14. Every member who shall present a petition, memorial, or other paper to be read in the House, shall state generally its nature and contents, before he hands it to the Chair, and shall, if called upon, declare that it does not contain, in his opinion, any indecent, or reproachful language, or expression of disrespect, to the House, or any committee of the same.

15. That in all cases when the House goes into a committee of the whole, the Speaker appoint the Chairman.

16. That upon an order for a second reading of any private bill, the applicants for said bill at their own expense shall furnish the usual number of copies for the use of the members, unless the same be dispensed with by the House.

17. That all committees appointed at the first

sitting shall continue during every subsequent sitting of the same legislature, or until they have reported on the business committed to them, or have been discharged.

18. That none of the foregoing rules shall be altered or dispensed with, unless by a vote of two-thirds of the whole House.

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28. Bills &c. in Committee of the wl
29. Bills &c. reported and first readi
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MANUAL

OF

EGISLATIVE PRACTICE

IN THE

STATE OF NEW JERSEY.

Sec. 1. *Of the Legislature.*

That the government of this province shall vested in a Governor, Legislative Council, l General Assembly. *Constitution, Article* 1.

Sec. 2. *Ratio of Representation.*

That on the second Tuesday of October, arly, and every year forever (with the privilege adjourning from day to day, as occasion may uire) the counties shall severally choose *one* son to be a member of the Legislative Coun- of this colony."—*Const. Art.* 3.

Provided always, that if a majority of the esentatives of this province, in Council and ieral Assembly convened, shall at any time or es hereafter, judge it equitable and proper to to, or diminish, the number or proportion of members of the Assembly for any county or nties in this colony, then, and in such case, same may, on the principles of more equal

said census, as near as may be; *Provided always*, That no county shall have a less number of representatives than such county is now by law entitled to elect and send to the General Assembly; *And provided also*, That no county shall be entitled to more than five representatives in the House of Assembly." Sec. 2. *of Act of Feb. 20th A. D.* 1830.

Total population in A. D. 1830.

County of Bergen,	22,414
Essex,	41,928
Morris,	23,580
Warren,	18,634
Sussex,	20,349
Somerset,	17,689
Middlesex,	23,157
Hunterdon,	31,066
Monmouth,	29,233
Burlington,	31,107
Gloucester,	28,431
Salem,	14,155
Cumberland,	14,091
Cape May.	4,945

Sec. 3. *Of the election and term of service of Representatives in Assembly.*

The members of Assembly shall be chosen annually, on the second Tuesday of October, by the respective counties.—*Const. Art.* 3.

Sec. 4. *Qualifications of Representatives.*

"No person shall be entitled to a seat in the

Assembly, unless he be, and have been for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate in the same county."—*Const. Art.* 3.

Sec. 5. *Qualifications of electors of members of the Legislature.*

"All inhabitants of this colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote, for twelve months immediately preceding the election."—*Const. Art.* 4.

By the fourth section of the act of the 1st of June, A. D. 1820, it is declared that the word "*inhabitants*" extends only "to free, white, male, citizens of this state" and (by the fifth section) that every such citizen "who shall have paid a tax for the use of the county or the State, and whose name shall be enrolled on any duplicate list of the last state or county tax, shall be adjudged by the officers conducting the election, *to be worth fifty pounds money aforesaid clear estate.*" By the sixth section, citizens otherwise qualified, who have arrived to the age of twenty-one years since the date of the last duplicate, or who have removed from one township wherein they have paid a tax, to another township in the said county, or who have been inadvertently overlooked by the assessor, shall be admitted to

vote, and shall have their names entered on the tax list; and by the seventh section, it is enacted, that no elector shall vote at any election, in any township of this state, except only the township in which he usually resides.

Sec. 6. *Of nomination of members of the Legislature and returns of election.*

"The clerks of the Courts of Common Pleas of the several counties in this state, shall attend at the court-house of their respective counties on the first Monday in September in each and every year, and shall there receive, at any time between the hours of ten in the morning and five in the afternoon of the same day from any person qualified to vote for members of the Legislature of such county, a list of the persons proposed as candidates for members of the Legislative Council, members of the General Assembly, sheriff and coroners of such county; which list, such person shall subscribe with his or their names, and may either deliver personally, or transmit by letter to said clerks."—*Sec. 1. of act of Feb. 22d A. D.* 1797.

The election for members of the legislature shall be held on the second Tuesday of October, and shall continue open for two days.—*Act of Feb. 22d A. D.* 1797.

"The Judge of election, or either of the inspectors, shall deliver, or safely transmit, the certificate of election to the clerk of the Court of Common Pleas, who shall attend at the court-

house of the county on the Saturday next after the day of election, for the purpose of receiving the same, and which certificate shall be delivered to him before three o'clock in the afternoon of said day, which said clerk shall then proceed in a public manner to make out a list of the votes for each candidate from the several certificates, and shall add the whole together, and shall thereby ascertain who are duly elected, by a plurality of votes, to the several offices for which an election shall have taken place, and shall thereupon file the said certificate, and the list of votes made thereupon, in his office ; certificates of which he shall prepare for the members of the Legislative Council and General Assembly, to be signed and sealed by himself."—*Act of Feb. 22d A. D.* 1797.

Form of Certificate.

I, Daniel H. Ellis, clerk of the Common Pleas of the county of Monmouth, do hereby certify that Daniel B. Ryall is duly elected member of the General Assembly for the said county of Monmouth for the ensuing year. Witness my hand and seal this seventeenth day of October, in the year of our Lord, one thousand eight hundred and thirty-five.

ELLIS, *Clerk.*

"Which certificate the said clerk shall transmit to the person whose election is certified therein, and shall forward duplicate copies of all

such certificates, together with a copy of the list of votes filed in his office, under a sealed cover, to his Excellency the Governor of the state, or person administering the government for the time being, so that the same may be received by him within fourteen days thereafter."—*Act of Feb. 22d A. D.* 1797.

Sec. 7. *Of Vacancies.*

"If any person chosen to represent any county in this state in Council or Assembly, shall neglect or refuse to take his seat pursuant to his election, or to send forward an excuse which shall be deemed satisfactory, within twenty days after the meeting of the Legislature, or shall die, or remove out of the state, or be expelled from his seat by a vote of the House to which he may belong, then, and in every such case, the Vice-President of Council, or Speaker of the House of Assembly, as the case may be, shall issue a warrant to the clerk of the county where the vacancy or vacancies may happen, who shall immediately advertise in five of the most public places in such county, setting forth that he will attend in the court-house of the county on a day by him named in said advertisements not less than five, to receive the nomination of persons to supply such vacancy or vacancies; which nomination and election shall be conducted, in every respect, in the mode herein prescribed for annual elections, except that the

nominations shall be made only fourteen days previous to the day appointed for the election to be held."—*Ibid.*

The following is the form of a warrant issued by the Speaker of the Fifty-eighth Assembly to supply a vacancy in the Assembly from the county of Warren.

"House of Assembly of New-Jersey.
Of 22d Oct. A. D. 1833.

"Whereas it has this day been officially announced in the House of Assembly of New-Jersey, by Charles Sitgreaves, Esquire, one of the Representatives of the county of Warren, in the General Assembly now in session, that John Blair, junior, Esquire, a member duly elected to this House, by the electors of said county, departed this life on the twelfth day of October instant, whereby a vacancy has occurred in the representation of the said county of Warren:

Wherefore I, Daniel B. Ryall, Speaker of the House of Assembly of the state of New-Jersey, do hereby issue this my warrant to Phineas B. Kennedy, Esquire, clerk of the said county of Warren, agreeably to the provisions of the Act of the Legislature of the state of New-Jersey, entitled "An Act to regulate the election of members of the Legislative Council and General Assembly, sheriffs and coroners in this state," passed the 22d of February, A. D. 1797, commanding and requiring you immediately to advertise in five of the most public places in said county of Warren, that you will attend at the court-house

in said county on a day by you named in said advertisements, not less than five, from the date thereof, to receive nominations of persons to supply the said vacancy, and also to advertise an election thereafter to be held, and conducted agreeably to the requisitions of said act and supplement thereto.

Given under my hand and seal at Trenton, this twenty-second day of October, Anno Domini, eighteen hundred and thirty three."

DANIEL B. RYALL, Speaker. (SEAL.)

"To Phineas B. Kennedy, Esquire,
Clerk of the County of Warren,
at Belvidere."

"In case of a vacancy in the office of Vice-President of Council, or Speaker of the House of Assembly, then and in that case, it shall be the duty of the Governor of the State, for the time being, to cause the vacancy or vacancies in the Council or House of Assembly, to be filled in the manner prescribed by this act, and the act to which this is a supplement, unless such vacancy shall happen under such circumstances as to induce a belief in said Governor, Vice-President, or Speaker, that the services of such member will not be called for during the remainder of the legislative year then unexpired; *Provided nevertheless*, That in case the board of chosen freeholders, of the county in which such vacancy shall happen, shall signify in writing to

he said Vice-President, Speaker, or Governor, as the case may be, the desire of said board, that the vacancy be filled, the said Vice-President, Speaker, or Governor shall, without delay, proceed as before directed, to cause such vacancy to be filled.—*Supplementary act of June 1st, A.D.* 1820.

Sec. 8. *What officers are excluded from holding seats in the Assembly.*

"That the Legislative department of this Colony may be preserved as much as possible from all suspicion of corruption, none of the judges of the Supreme Court or other court, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in the Assembly; but that on his being elected and taking his seat, his office or post shall be considered as vacant."—*Const. Art.* 20.

Sec. 9. *Meeting of the Legislature.*

"On the second Tuesday, next after the day of election, the Council and Assembly shall separately meet; and the consent of both houses shall be necessary to every law, provided, that seven shall be a quorum of Council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present and agreeing thereto."—*Const. Art.* 3.

Sec. 10. *Powers of the Legislatu*

It would seem by the implication cor the constitutional oath of a member of th ture, that the Legislature possess eve of legislation which the people could e their primary sovereign capacity, as democracy, and subject to the Cor treaties and laws of the United State ing an assent to any law, vote, or ing, that should annul or repeal tha the Constitution which establishes, " elections of members of the Legislative and Assembly shall be annual, or that specting the trial by jury, and that sha repeal or alter any part or parts of the e and nineteenth articles of the same."

The Legislature have in fact exerc implied power by the act of June 1st, A. which virtually *repeals* the fourth artic Constitution.

With this latitude of constitutional the New Jersey legislator, therefore, in scientious discharge of his duties, will his acts by the "*public welfare*," and questioned incidental powers of legislat

Sec. 11. *Limitation of the powers of th lature by the Federal Constitutio*

"Sec. 10. No State shall enter into an alliance, or confederation; grant letters o and reprisal; coin money, emit bills o

said Court, shall be allowed the same daily compensation, as the Clerk of the Legislative Council : *provided always*, that they shall not be entitled to any compensation, as members and Clerk of the Legislative Council, when sitting as a Court of Appeals."—*Rev. Laws*, 394, *Act of Jan. 29th A. D.* 1799.

"That the compensation aforesaid, and the services of the Serjeant-at-arms, and all necessary expenses, shall be paid by the Treasurer of the State, upon a certificate signed by the Governor."—*Ibid.*

Clerk of the Court.

"That the Secretary of the State, for the time being, shall be Clerk of the said Court of Appeals."—*Ibid.*

Oath of the Clerk.

"I, James D. Westcott, appointed Clerk of the Court of Appeals, do solemnly promise and swear, that I will truly and faithfully, enter and record, all the orders, decrees, judgments, and proceedings, of the said Court ; that I will justly and honestly keep the records, parchments, papers, writings, and books, to me committed, and to be committed, by virtue of my said office; and that I will, faithfully and impartially, perform all the duties of said office, according to the best of my abilities and understanding.

"So help me God."

than three times) "to clear a matter of fact." 3 *Grey*, 357, 416. Or merely to explain himself, 2 *Hats.* 73, in some material part of his speech, *Ib.* 75, or to the manner or words of the question, keeping himself to that only, and not travelling into the merits of it, *Memorials in Hakew.* 29; or to the orders of the House if they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. Hakew.* 30, 31.

"But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard." *Mem. Hakew.* 30, 31. "Nevertheless, though the Speaker may, of right, speak to matters of order and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact." 3 *Grey*, 38.

"No one is to speak impertinently or beside the question, superfluously or tediously." *Scob.* 31—33; 2 *Hats.* 166—168; *Hale Parl.* 133.

"No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it." 2 *Hats.* 169, 170. "But while a proposition under consideration is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House." 9 *Grey*, 508.

"*No* person, in speaking, is to mention a mem-

ber then present by his name, but to describe him by his seat in the House, or 'who spoke last,' or 'on the other side of the question,'" &c. *Smyth's Com.* lib. 2, ch. 3.

"Nor to digress from the matter to fall upon the person, *Scob.* 31, by speaking, reviling, nipping, or unmannerly words against a particular member." *Smyth's Com.* lib. 2, ch. 3. "The consequence of a measure may be reprobated in strong terms, but to arraign the motives of those who propose to advocate it, is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress." *Ord. Com.* 1604.

"No one is to disturb another in his speech by hissing, coughing, spitting." 6 *Grey*, 332.

"Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that, by any kind of noise, they attempt to drown his voice, it is most prudent for him to submit to the pleasure of the House and sit down." 2 *Hats.* 77, 78.

"If a member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the president may be better enabled to judge of the matter."—*Rule 7, of the U. S. Senate.*

"It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to

be influenced by the proceedings of the other: and the quoting them might beget reflections, leading to a misunderstanding between the two Houses." 8 *Grey*, 22.

"No member may be present when a bill, or any business concerning himself, is debating, nor is any member to speak to the merits of it till he withdraws. 2 *Hats.* 219."

"The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that, to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in the debate, there the charge must be stated, that is, the question must be moved, himself heard, and then to withdraw." 2 *Hats.* 121, 122.

"When the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principles of the social compact, which denies to any man to be a judge in his own case, it is for the honor of the House that this rule, of immemorial observance, should be strictly adhered to." 2 *Hats.* 119; 6 *Grey*, 368.

"A question of order may be adjourned in order to give time to look into precedents." 2 *Hats.* 118.

"In parliament all decisions of the Speaker may be controlled by the House." 3 *Grey*, 319.

Sec. 16. *Opening of the Session.*

The members of the Legislature assemble in their respective chambers at the State House in the City of Trenton, on the second Tuesday next succeeding the day of the general election, usually at three o'clock P. M. Custom has appropriated certain seats to each county, in the hall of Assembly, (the entire delegation of each County sitting together.) In Council, the member who first comes, selects his seat by taking possession of the key of the desk, excepting the seat on the left of the President, which is appropriated to the oldest member.

"The Assembly when met shall have power to choose their Speaker, and other officers, to be judge s of the qualifications of their own members." *Const. Art.* 5.

"Any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members, the said oath or affirmation." *Const. Art.* 23.

The members elect of the Assembly having taken their seats, and the clerk of last year at his desk (or in case of his absence a Clerk *pro tem.*) with a list of the members arranged in alphabetical order, some member (usually one

of the old members) rises and remarks, "*As this is the day assigned by the Constitution for the meeting of the Legislature, I move that the Clerk read the several certificates of members elected from the respective Counties of this State.*" This motion being seconded, the Clerk states the motion and puts the question: "*As many as are in favor of this motion will say, aye!*" "*Those of a contrary opinion will say, no.*" If the affirmative has it, he will add: "The motion is agreed to." After the motion to read the certificates is agreed to, a member rises and moves, as "*that Daniel B. Ryall of the County of Monmouth be appointed to administer the oaths of membership to the members elect*" which being agreed to, it is moved "*that William Marshall,* of the county of Hunterdon be appointed to administer the oaths of membership to Daniel B. Ryall of the County of Monmouth," which being agreed to the certificate of Daniel B. Ryall is read and Mr. Marshall puts the question, "Is this certificate satisfactory? As many as approve this certificate will say, *aye;* contrary opinion, *no!* the ayes have it—approved:" Mr. Marshall then advances to the table of the Clerk and administers the oath as follows: Mr. Marshall extends the book to the member from Monmouth, while the Clerk reads:

"You do sincerely profess and swear, that you do and will, bear true faith and allegiance of the government established in this State under the authority of the people."

You do solemnly declare that, as a member of
Assembly, of the State of New Jersey, you
l not assent to any law, vote, or proceeding,
ich shall appear to you injurious to the pub-
welfare of said State, nor that shall annul or
eal that part of the third section in the char-
of this State, which establishes that the
:tions of members of the Legislative Coun-
and Assembly, shall be annual, nor that part
the twenty-second section in said charter,
pecting the trial by jury; nor that shall annul,
eal, or alter any part or parts of the eight-
th and nineteenth sections of the same."

You do solemnly swear that you will sup-
t the Constitution of the United States."

At the conclusion of each oath the member
n Hunterdon will add "*so help you God*," and
member from Monmouth will give his assent
kissing the book.

f a member request it, the ceremony of
ching and kissing the book will be dispensed
h and the "*oath of the uplifted hand*" will be
ministered as follows: the member to whom
oath is to be administered holds up his right
ht hand towards Heaven, and lieu of "*you do
:ar*," the Clerk says, "you do solemnly,
cerely and truly swear, by the ever living
d;" and at the conclusion of the oath the
mber administering will add "so help you
d."

f the member is conscientiously scrupulous
taking an oath, he may *declare* or *affirm*.

If he *declares*, in lieu of "*you do swear*" the Clerk will say, "*you do declare in the presence of Almighty God, the witness of the truth of what you say*" and at the conclusion of the declaration, the member administering will add "*You will*," instead of "*So help you God.*"

If he "affirms," in lieu of "*you do swear*," the Clerk will say "you do solemnly, sincerely, and truly, declare and affirm," and at the conclusion of the affirmation the person administering will add, "you will."

The oath, declaration, or affirmation, is enrolled on parchment, to which the member from Monmouth will sign his name; and then proceed, in like manner, to qualify the members elect, in the order of counties aforesaid, commencing with Bergen, and announcing, "The members elect from the county of Bergen will present their certificates of election"—when the members elect from Bergen will advance to the Clerk's table, and present their certificates, which are read as before. When the members are duly qualified, the Clerk calls the names of those present in alphabetical order, and announces the number present; a motion is then made, that "*the House proceed to the election of Speaker*," and, if agreed to, nominations for Speaker will be made, and the names of the nominees entered by the Clerk.

The nominations being closed, the Clerk will mention the names of the nominees, and call the House, and each member, as his name is called,

will pronounce aloud the name of the nominee he wishes to be elected to the Chair. The Clerk will then call over the names of the members voting for the respective candidates, and announce the result: as, "for Daniel B. Ryall, 26 votes; for Caleb H. Valentine, 24 votes,—Mr. Ryall is elected Speaker." If but one nomination is made, the question is put, as, "Daniel B. Ryall is nominated for Speaker of this House; as many as are in favor of this appointment will say, Aye. Those of a contrary opinion will say, No. The Ayes have it. Mr. Ryall is appointed."

The Speaker, before taking his seat, usually returns his thanks to the House for the confidence they have reposed in him.

The House will then proceed, in like manner, to the election of Clerk and Doorkeeper, except that the motions are put, and announcements made by the Speaker, instead of by the Clerk, as heretofore,—who also administers the oaths of office to the Clerk.

The House being thus organized, a motion is made, "*that the Clerk inform the Council that the House of Assembly have this day met, formed a quorum, chosen Daniel B. Ryall, Esq., of Monmouth, Speaker, and Richard P. Thompson, Esq., Clerk, and have proceeded to business.*" This motion being seconded, the Speaker puts it, as follows: "*As many as are in favor of this motion will say, Aye.*" Having paused a moment, he reverses it, by saying, "*Those of a contrary opinion will say, No,*" or

"*As many as are against it will say, No;*" and will announce "*The Ayes have it,*" or "*It is agreed to,*" or (in case it is negatived) "*The motion is disagreed to.*" As this motion, however, uniformly carries, the Clerk immediately proceeds to the bar of the Council Chamber, where he finds the Sergeant-at-arms of that body, who, being notified of the message, announces in a loud and distinct voice, "*A message from the House of Assembly.*" The Clerk then advances within the bar, and announces:

"Mr. Vice President—I am directed to inform Council that the House of Assembly have this day met, formed a quorum, chosen the Hon. Daniel B. Ryall, Esq., of the county of Monmouth, Speaker, and Richard P. Thompson, Esq., Clerk, and have proceeded to business."

This message he then delivers in writing to the Secretary of Council, and immediately retires to his seat in the Hall of Assembly.

A motion is then made, "*that a Committee be appointed to report rules and regulations for the government of the House, and until such report is made and adopted, that the rules of the last House be adopted.*"

The Speaker will then put the question as before, "As many as are in favor of this motion will say, Aye;" (and having paused) "Those of a contrary opinion will say, No."—"*The ayes have it; the motion is agreed to,—Messrs. Lydecker, Hilliard and Parsons, are appointed that Committee.*"

It will be observed that the old members are usually appointed upon this Committee, upon the presumption that they are better acquainted with parliamentary forms and the legislative practice,—also, that the mover for the appointment of a committee is appointed first upon the committee moved for.

This Committee usually report the rules of the last House; experience having tested their utility as best adapted to our peculiar legislation, and to expedition of business.

A motion is then made (suppose by Mr. Molleson, of Middlesex) for the appointment of a Committee, as follows: "*Mr. Speaker, I move that a Committee be appointed to report the unfinished business of last Session.*" The Speaker puts the question, and makes the announcement as before, and adds, "*Messrs. Molleson, Haight and Cooper, are appointed that Committee.*"

After a message has been received from Council announcing their organization, a motion is then made; (suppose by Mr. Chetwood, of Essex)—

"Mr. Speaker, I move that a Committee of Council and Assembly (*Council concurring therein*) be appointed to inform the Governor, that both Houses have met and organized, and are ready to receive any communication that he may be pleased to make." The Speaker puts the question, announces as before, and adds, "Messrs. Chetwood, Whitecar and Cruser, are appointed upon that Committee," and adds, "Is

it the pleasure of the House that Council be informed of the appointment of this Committee, and requested that a corresponding Committee be appointed on their part."

Note.—That a distinction is taken between a *joint* and a *concurring* resolution. By the rules of both Houses, every joint resolution shall be "in writing, read three times and engrossed;" but as this time and formality are not necessary, and would produce unnecessary delay in the appointment of committees, similar to the last, they are dispensed with by "*the concurring resolution.*"

A Resolution was passed at the present session authorizing the appropriation of "two dollars to each member, for such newspaper or newspapers as he might order during the session."

This Resolution may be introduced at this time. It was adopted to curtail the bill of incidental expenses. Heretofore, publishers of newspapers in the State, have directed their papers to be laid on the desks of members, and have presented their bills for the same to the Committee on Incidental Expenses, without the authority or sanction of the House.

If such a resolution is presented, the Speaker will put the question, "As many as are in favor of this resolution will say, Aye;" and, after a momentary pause, "As many as are opposed will say, No;" and will announce, (if agreed to,) "*The* ayes have it. The resolution is agreed to."

If more than one name remains, the Chairman will announce the names, and then say, "the Secretary will call the Joint Meeting on these nominations." The Secretary then calls the Joint Meeting, (he having previously prepared printed rolls for that purpose,) and each member, when called, will state distinctly the name of the nominee for whom he votes. The Secretary will then announce the names and numbers of the voters; and the Chairman will announce the appointment: as, "*Peter D. Vroom has thirty-three votes; Thomas C. Ryerson has thirty-one votes. Mr. Vroom is appointed.*"

The question is sometimes put, upon motion that one of the nominees be appointed.

If no nominee has a majority for the appointment of Governor, the Joint Meeting will proceed to ballot, until one is elected, agreeably to the seventh article of the Constitution, which requires, that the Council and Assembly, at their *first* Joint Meeting, shall elect a Governor.

When the nominations for the respective counties are taken up, the names of the nominees for the same office, will be read, and the question will be put on their appointment, *collectively*, unless a member request that they shall be taken *separately*.

The friends of a nominee may ask leave to withdraw the nomination, and the opponents may move to postpone, which amounts to a virtual rejection. When the yeas and nays are called, the Chairman orders the House to be called.

in like manner, the names of those who have voted in the negative, with the number of noes; and the speaker announces, "The ayes have it. This resolution is agreed to, (or disagreed to.)"

A motion is then made and put, that "The Chair appoint the usual Standing Committees of the House."

The Speaker usually announces these appointments on the second day of the sitting.

A motion is then made and put, "That when the House adjourns, it adjourn till to-morrow morning at ten o'clock, and that that be the standing hour of meeting, unless otherwise ordered."

A motion is then made and put, "That the House adjourn;" and the Speaker announces the result, by stating, "The ayes have it. The House stands adjourned till to-morrow morning, ten o'clock. Adjourned."

Sec. 17. *Second day of the Session, first meeting.*

Precisely at the hour to which the House stands adjourned, the Speaker takes the chair and immediately says—"*the House will come to order.*" He then casts his eye around the chamber to ascertain whether there is a quorum of members present, and in case there is no quorum will announce the same, and the House will adjourn. If there is a quorum, the Clerk rises and reads the minutes of yesterday.

"As soon as the journals are read, it is in order to correct any errors, or supply any omis-

sions in the proceeding. Errors seldom, if ever, occur, as the Clerks are gentlemen admirably qualified for their station."

"An intelligent and industrious Clerk cannot be too highly prized by a legislative body. He expedites the proceedings of Assembly; saves members immense trouble; is of great service to a newly elected Speaker, and by a quickness of apprehension in taking down amendments, or moulding suggestions, made by members, into a proper shape to be introduced as alterations into bills which are under discussion, greatly economizes the time of the House.—*Sutherland*, 116.

The Speaker then will announce the standing committees, appointed agreeably to the resolution on that subject of yesterday, as follows:

"The following standing committees have been appointed by the Chair.

To settle accounts of the Treasurer. Messrs. Jackson, Chetwood, Bray, Burtis, and Lippincott.

To settle accounts of State Prison. Messrs. Thompson, Wills, Springer, Young, and Tuttle.

To receive proposals for the current printing of the two Houses, Laws, Law Reports, &c. Messrs. Rogers, Molleson, Blane, Davis, and Shay.

To receive proposals for engrossing. Messrs. Gifford, Linn, Yorke, Hunt, and Hall.

On Support Bill. Messrs. Hopper, Wade, and McKissock.

On Incidental Bill. Messrs. Newcomb, Lalor, and Flummerfelt.

On Tax Bill. Messrs. J. Cook, Crowell, and Endicott."

The four first committees being joint committees, the Speaker will say, "Is it the pleasure of the House that Council be informed of the appointment of the four first named committees, and request corresponding committees to be appointed on their part."

To which the invariable response from the House is "Aye."

The Speaker then announces the business in order, by saying, "It is now in order to present memorials and petitions;" which being disposed of, he will say, "It will now be in order to receive the reports of committees." In the progress of this business the door-keeper may announce, "A message from Council," when the Clerk and each member will immediately take their seats, unless a vote is being put, while the Secretary advances within the bar and *politely* bowing, says:

"Mr. Speaker, I am directed to inform the House of Assembly that Council have appointed the following joint committees:

To inform his Excellency the Governor of the organization of both Houses, and their readiness to receive any communication he may be pleased to make; Messrs. Mickle and Leaming.

To settle the accounts of the Treasurer;— Messrs. Munn and Stokes.

To settle the accounts of the State Prison; Messrs. Zabriskie and Humphreys.

On current printing &c.; Messrs. Thompson and Brick.

On engrossing; Messrs. Ryerson and Perrine."

The Secretary advances with the message in writing and presents it to the Clerk and retires, and when the immediate business before the House, which was interrupted by the message, is disposed of, the Clerk will rise and read the message.

A motion is then made "that when the House adjourns, it adjourns to meet at three o'clock, P. M., and that that be the standing time of the second meeting of each day, during the session, unless otherwise ordered;" which motion is always agreed to, and the Speaker announces, "The House stands adjourned till this afternoon, three o'clock. Adjourned."

Sec. 18. *Of the Speaker.*

"That the Speaker take the chair from time to time at the expiration of the last adjournment, and that he attend carefully to the preservation of order and regularity in transacting the business of the House, but shall not engage in any debate, or propose his opinion on any question, without leave of the House."—*Rule* 3 *of Assembly.*

"That all questions of order shall be determined by the Speaker, subject to an appeal to

the House, when demanded by four members." —*Rule 7 of Assembly.*

The Speaker should, with firmness, dignity, and courtesy, maintain the rules ordained for the government of the House.

"It is always in the power of the Speaker to prevent, to a very great extent, personal reflections, by promptly, yet in a decorous manner, informing a member that he is out of order, and that such remarks cannot be tolerated. The great error consists in allowing a member to proceed *too far*, before he is checked, and then the gentleman to whom the remarks were intended to apply, demands it as a right to be heard. Mr. Speaker should stop without delay the first indication that may be evinced of the sort alluded to. By such conduct, he saves the time and preserves the dignity of the House, while he manifests his qualifications to preside over its deliberations. If it is understood that the Speaker will enforce this part of his duty, the most delicate, while it is the most important; members will be cautious in stepping across the threshold of propriety. The Speaker will always find himself sustained by the House if he enforce the rules "without fear, favor, or affection." *Sutherland*, 117.

"On questions of order, there shall be no debate, except on an appeal from the decision of the Speaker, or a reference of a question by him to the House, when no member shall speak more than once, except by leave of the House, all de-

cisions upon questions of order, should be noted by the Clerk, and placed at the end of the Journal of each session, with a reference to the decision as stated in the Journal." *Ibid.* 118.

"The Speaker should always decide questions of order himself. He is selected for his experience in legislative business, and ought not, therefore, to put aside a question, to be decided in the *first* instance by the House. The great probability will be, that he will decide correctly, and save a considerable time, which would otherwise be lost in useless debate. And what takes a great share of weight from a decision by the House, is, that, usually, a majority of the House is composed of *new* members, who are, therefore, for the *first* time called upon to settle a point of order, a matter to which they are almost total strangers. And as there is a praiseworthy disposition to support the Chair, it is most probable that its decisions will pass unquestioned. But if the Speaker submits the question to the House primarily, he admits that he is not master of it, and thus puts a subject afloat, for a tedious discussion, that will not be more likely to be decided correctly by them, than if he had decided it himself; besides which, calling upon the House to decide on points of order, begets a distrust in his judgment, and tends to encourage appeals, when he may decide what he feels confident is right. It is to the advantage of the House as well as the Speaker, that he should be

considered well skilled in his duties and need not be instructed." *Ibid.* 118, 119.

"That when two or more members rise to speak nearly at the same time, the Speaker to decide who shall speak first, and call him by name, and that such member then proceed, unless the House shall interfere and adjudge otherwise."—*Rule 7 of Assembly.*

The Speaker, in order to distribute the business equally among the members, should keep a *check roll*, noting the number of committees on which each member is appointed.

He should be careful in the selection of every committee, to appoint at least one member conversant with the subject matter referred.

He should call a member to order, who should entertain private discourse while a member is speaking, or pass between him and the Chair.

When he retires, (the House being in session,) he may nominate some member to take the Chair, but such substitution not to extend beyond adjournment.

He shall appoint all committees, unless otherwise ordered by the House.

He shall sign all bills, addresses, joint resolutions; also, all writs, warrants, and subpœnas, issued by the House.

He shall have a general direction of the Hall.

He is *ex officio* trustee of school fund.

"In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker

(or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared."—*Rule* 12 *of the House of Representatives of the U. States.*

"Stenographers, wishing to take down debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House."—*Rule* 13 *of ibid.*

"That, in all cases, when the House goes into Committee of the Whole, the Speaker appoint the Chairman.—*Rule* 13 *of Assembly.*

Sec. 19. *Of the Clerk.*

"That the Secretary of Council and Clerk of Assembly shall forthwith, on the passage of any bill into a law, deliver the same to the Secretary of State for the time being, to be filed in his office." *Act of May 27th A. D.* 1820.

"That the Clerk, when reading or giving information upon any subject, by order of the Speaker, shall stand up in his place." *Rule* 4 *of Assembly.*

"That all bills and special reports of the committees be numbered by the Clerk as they are severally introduced, and a list made of the same to lie on the table and be called up for consideration, by the Speaker, according to their numerical order." *Rule* 5 *of Assembly.*

"That all messages be sent from this House to Council by the Clerk." *Rule* 11 *of Assembly.*

He should deliver all bills, petitions, &c. referred, to the Chairman of the respective Committees.

He should mould the suggestions and motions of members into proper form.

He should note all decisions upon questions of order, and enter them at the end of the minutes of the session with suitable references.

He should cause to be printed an accurate list of members, in the order of counties aforesaid, with their places of residence, in Trenton, and at home, during the session, together with a list of the standing Committees, and place the same in some conspicuous part of the hall.

He should read in a loud and distinct tone.

He shall attest all writs, warrants and subpœnas issued by the House.

His Oath.

I do solemnly profess and swear, that I do and will, bear true faith and allegiance to the government established in this State, under the authority of the people.

I do solemnly promise and declare, that I will truly and faithfully discharge the duties of Clerk of the General Assembly, to the best of my understanding and ability; and that I will not intentionally divulge any thing done in the house, which being known, may involve injurious consequences to the public or any individual.

I do solemnly swear, that I will support the constitution of the United States.

Sec. 20. *Of the Doorkeeper.*

should be particularly attentive to the
ness of the hall and furniture, and have
ll heated in proper time.

shall distribute the printed bills, &c. on the
of the members and Clerk, commencing
Speaker's and Clerk's desks.

shall announce messages from the Gov-
or Council, at any time when the house is in
n, except when a question is being put,
the yeas and nays are calling, or while
llots are being counted.

shall attend to furnishing the members and
with stationary, and the house with fuel.

shall transmit all papers or documents, if
ed by the Speaker or Clerk, to the en-
ng Clerk, or current printer of the House.

shall carry the contents of the letter box at
djournment to the Post Office.

shall attend to preparing the hall for all
itions of members or meetings of com-
s by candle light in the Assembly chamber.

shall maintain order in the lobbies.

hall be under the direction of the Speaker
orming the duties of his office.

s Sergeant-at-arms, during the pleasure of
ouse, to execute the commands of the
from time to time, together with all such
s issued by authority thereof as shall be
d to him by the Speaker.

pay is fixed in the support bill, and he
it from the Treasury upon a certificate

signed by the Speaker, *two* days being added to the number of days that he has actually attended the House in Session.

Sec. 21. *Absence.*

"That if any member, while the House is met, absent himself from the business thereof, for the space of a quarter of an hour, at any one time, without leave previously obtained, he shall be subject to the censure of the House unless his excuse be admitted."—*Rule 2 of Assembly.*

"That when the House shall send their Serjeant-at-arms for any absent member, the said member be answerable for the expense, to be deducted from his certificate of wages, unless the House allow his excuse of absence."—*Ibid.*

"The following is the mode of asking leave of absence: 'Mr. Speaker, I have been requested to ask leave of absence for Mr.—— of the county of—— for a few days from to-day:' (sometimes he asks leave for himself)—the Speaker, rising, says, 'Mr. —— from the county of—— asks leave of absence for his colleague Mr. —— for a few days from to-day. Shall the gentleman have leave?' If the motion is agreed to, he says, 'Mr. —— has leave.'"—*Suth. Manual*, 127.

"That in adjournment from day to day, every member attend precisely at the time to which the House was last adjourned, and for default of a quarter of an hour, in any case, he shall be subject to a reprimand from the Chair, unless the House admits his excuse."—*Rule 2 of Assembly.*

Quorum.

A majority of the whole number of members shall be necessary to do business.

"That the Speaker and any two members, be a sufficient number to meet and adjourn the House from day to day when necessary."—*Rule 1 of Assembly.*

Sec. 22. *Behavior of Members in the House.*

"That every member attend strictly and constantly to the business of the House, and that no member interrupt or disturb the House, by speaking to his fellow members, entering into private conference, or removing from place to place while any member is speaking, or the Clerk reading by direction of the House, and that whoever offends against this order, shall be subject to a public reprimand from the Chair."—*Rule 4 of Assembly.*

"That every member, when he speaks in the House, do stand up in his place, and address himself to the Chair, and that he be uncovered, unless he be of the people called Quakers."—*Ibid.*

"That in all debates and proceedings, the members observe the strictest decorum, and particularly that they treat the Speaker with all proper deference and respect, and that if any one use indecent expressions, or utter any personal reflections, or otherwise offend herein, he be censured, according to the nature and aggravation of the offence."—*Ibid.*

Sec. 23. *Order of business.*

"That the business of the first meeting of each day be conducted in the following manner, to wit: 1. To read the minutes. 2. To receive memorials and petitions. 3. To receive the report of committees. 4. To proceed on the orders and promiscuous business of the day, giving preference to the unfinished business of the preceding sitting, and that the business of the second meeting be conducted in the same manner, except as to reading the minutes."—*Rule 5 of Assembly.*

"That all bills and special reports of the committees be numbered by the Clerk as they are severally introduced, and a list made of the same, to lie on the table, and be called up for consideration by the Speaker, according to their numerical order; subject, nevertheless, to postponement on special motion, for the purpose of taking up any bill, or report, which the House may order to be taken up and considered in preference."—*Ibid.*

Sec. 24. *Bills.*

"Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order, as they were introduced, unless where the House shall direct otherwise; but no bill shall be read twice on the same day, without special order of the House." *Rule* 90, *of H. of R. of U. States.*

"That no bill or joint resolution shall be read more than once on the same day."—*Rule* 10 *of Assembly.*

The following has been the arrangement of business in the Assembly: 1. Reading the journal. 2. Presentation of memorials, petitions, letters, original resolutions, &c. 3. Reports of committees, reference of unfinished business, leave to withdraw documents, motions to reconsider, leave of absence, leave to introduce bills, and motions to appoint additional members to committees, &c. 4. Bills on final passage. 5. Bills on second reading.

The members will save themselves much trouble when bills accumulate on their desks, by dividing them into three or more parcels; first, labelled "*bills first reading;*" second, labelled "*bills second reading;*" third, labelled "*bills engrossed,*" &c.

Sec. 25. *Leave to bring in Bills.*

When a member desires to bring in a bill without the action of a committee, he may state if he chooses, his reasons for so doing, and conclude by asking leave to introduce the bill; for example, Mr. Strader, of the county of Sussex, desires to introduce a bill; he rises and says, "Mr. Speaker, I ask leave to introduce a bill entitled, 'An act to amend the judicial system of this State.'" The Speaker puts the question, "shall the gentleman from Sussex have leave? As many as are in favor of granting leave will

say, aye; contrary opinion, no. *The ayes have it. The gentleman from Sussex has leave to introduce the bill.*" He will then hand the bill to the Clerk, who will read it at length, unless the House agree to take the title, for the first reading, which is usually done upon motion.

"*Public Bills* are such as are general in their operation and relate to the whole State." *Sutherland*, 48.

"*Private Bills* are local in their nature and are such as are limited in their provisions to particular counties or districts. The Speaker most generally determines whether a bill is public or private, yet the House may determine a bill to be of either description, notwithstanding his opinion may be to the contrary." *Ibid* 48.

"That upon an order for a second reading of any private bill, the applicants for said bill at their own expense, shall furnish the usual number of copies, for the use of the members, unless the same be dispensed with by the House."—*Rule* 16 *of Assembly.*

"That when any association shall be formed, for any purpose whatever, after the fourth day of July next, or any person or persons shall be disposed to make application to the Legislature of this State, for an act of incorporation; or any company or association already incorporated, shall be disposed to make application for a renewal of their charter, or any alteration in the law so incorporating them, or when any application shall hereafter be made for the purpose of

obtaining a law authorizing the erection of a bridge over any navigable water in this State, it shall be the duty of such person or persons so applying or associated, or the directors or stockholders of such incorporation, or some of them, to signify his or their intention, by advertisement, to be inserted for at least six weeks successively, previous to making such application, in one or more of the newspapers published in the county where the objects of such incorporation are carried, or intended to be carried into effect, and if no newspaper be published in such county, then in the newspaper or newspapers published nearest to the same; and specify the objects of such incorporation or applications, the amount of capital stock requisite to carry their objects into effect, and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice specifically, the alteration so to be applied for, and that due proof shall be made of such notice having been published, previous to leave being given to bring in any bill to comply with such application."—*Act of Feb. 14, A. D.* 1833. *Com. Law*, 445.

Sec. 26. *Petitions, Memorials, and Remonstrances.*

"A petition prays something, a remonstrance has no prayer." 1 *Grey* 58.

"Every member who shall present a petition,

memorial, or other paper to be read in the House, shall state generally its nature and contents, before he hands it to the chair, and shall if called upon, declare that it does not contain, in his opinion, any indecent, or reproachful language, expression or disrespect, to the House, or any committee of the same."—*Rule 14 of Assembly.*

After the reading of the minutes, the Speaker will say, "*The presentation of petitions and memorials is in order;*" when a member who wishes to present a petition will proceed as follows: suppose Mr. Endicott, of Gloucester, desires to present a petition; he will rise in his place and say, "Mr. Speaker! I ask leave to present a petition from a number of the inhabitants of the county of Gloucester, praying for a law authorizing the taxation of bonds and mortgages." No objection being made, the Speaker rarely if every takes the question upon granting leave to present a petition, memorial, or remonstrance, but immediately replies, "*the gentleman has leave.*" Mr. Endicott then sends the petition to the Clerk, and after the reading, the Speaker asks, "*What order will the House take in relation to this petition?*" A member moves, that "it be referred to the committee on taxation."

The Speaker then says, "*It is moved that this petition be referred to the committee on taxation. As many as are in favor of that motion, will say*

and whether they remain under proper responsibilities; including in said return, all the camp equipage in his charge.

He shall annually lay before the Legislature a complete return of the situation and condition of the arms distributed under the act of Dec. 28th, A. D. 1824.

Sec. 93. *Brigade Board.*

"That it shall be the duty of the Brigade Board, to keep accounts of all sums by them received and expended, keeping a separate account of the fees and expenses attending the militia system, and the appropriations they may make for arms and other military implements, and make report thereof every year to the Legislature."—*Rev. Laws*, 712.

Sec. 94. *Banks and Insurance Companies.*

INCORPORATED BANKS.

Date.	*Name.*	*Capital.*
1804	Newark Banking and Insurance Company,	$800,000
do.	Trenton Banking Company,	600,000
1812	State Bank at Camden,	800,000
do.	State Bank at New Brunswick,	400,000
do.	State Bank at Elizabethtown,	200,000
do.	State Bank at Newark,	400,000
do.	State Bank at Morris,	200,000
1813	Paterson Bank,	200,000
do.	Cumberland Bank,	200,000

rule requires, in order to perfect a motion, that *it be seconded*, but no reason can be given that the Chairman should announce the motion as seconded, when the object in putting questions is brevity; the annunciation by the Speaker, "*it is moved*," is an annunciation that it is seconded, for he can put no motion until seconded.

Suppose a member, after the appointment of the above committees, should present a memorial or remonstrance, upon the subject referred to one of those committees. The question then would be upon "ordering it to be referred to the Committee on that subject."

Suppose these petitions should be presented after the Committee had reported a bill; the question would then be, "*to order it to lie upon table*," and it then could be called up at any time to aid, oppose, or explain the bill, either upon its second reading, or final passage.

The petitions are usually referred to a committee of *three*, unless the House order a greater number. Petitions and resolutions in relation to fixing the quota of taxes, have been referred to a committee of fourteen, by special resolution, consisting of one from each county.

"Petitions must be presented by a member—not by the petitioners—and must be opened by him, holding it in his hand." 10 *Grey*, 57.

"Regularly a motion for receiving it must be made and seconded, and question put, whether it shall be received? But, a cry from the House, of 'received,' or even its silence, dispenses with

the formality of this question; it is then to be read at the table and disposed of." *Jefferson's Manual*, 140.

"Letters are usually sent under cover to the Speaker. He announces them, as follows: 'A letter, addressed to the Speaker, signed A. B.; it will be read,' and hands it to the Clerk, who reads it. As soon as it is read, if it refers to a subject committed to a standing committee, the Speaker says, 'It will be referred to the committee entrusted with that subject.' If it is a special subject, and no motion is made to refer it, he says, '*It will be laid on the table.*'" *Sutherland*, 125.

Sec. 27.—*Bills, &c., in Committee.*

"The person first named is, as a matter of courtesy, permitted to act as Chairman, although every committee have a right to elect their own Chairman." 1 *Grey*, 122.

"That all committees appointed at the first sitting, shall continue during every subsequent sitting of the same Legislature, or until they have reported on the business committed to them, or have been discharged."—*Rule* 17 *of Assembly.*

"Committees cannot receive a petition but through the House." 9 *Grey*, 412.

"When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House, whereupon the member is heard in his place, or at the bar, or a

special authority is given to the committee to inquire concerning him," 9 *Grey*, 523.

"So soon as the House sits, and a committee is notified of it, the chairman is, in duty bound, to rise instantly, and the members to attend the service of the House." 2 *Hats.* 319.

In private bills, which might come fairly before the House, the majority of the committee usually permit their chairman to report a bill, as a matter of courtesy, although they might be opposed to its *merits*, reserving to themselves the right to oppose its passage in the House.

No one who speaks against the *whole* bill shall be appointed on the committee. The committee must report their amendments on a separate paper; and, when through, they will rise, upon motion, "to rise and report the paper to the House, with (or without) amendment."

Sec. 28.—*Bills. &c., in Committee of the Whole.*

"That, in all cases, where the House goes into a Committee of the Whole, the Speaker appoint the Chairman."—*Rule* 15 *of Assembly.*

"That the rules and orders of the House shall be binding on Committees of the whole House, as far as they may be proper and applicable in any case." *Rule* 10 *of Assembly.*

"A quorum in committee is the same as a quorum in the House." *Sutherland* 183.

The form of going into a Committee, is for the Speaker, upon motion, to put the question "*that the House do now resolve itself into a*

Committee of the Whole to take into consideration," (such a matter, naming it,) and the question being agreed to, he nominates some member as Chairman, who takes the chair, and the Speaker seats himself in any vacant seat. If the Chairman is notified, or perceives that a quorum is not present, he stops further proceedings and says, "*there is not a quorum present;*" and if the absent members do not appear, the Committee rises and the Chairman reports the same to the house. The Speaker will then send the Sergeant-at-arms in quest of the absentees. If a quorum is present the Chairman will state the subject matter of reference, and the Committee will proceed to its consideration.

If a message is announced from the Governor or Council, during the sitting of the Committee, the Speaker will immediately take the Chair and receive it.

No previous question can be put in a Committee of the Whole. The yeas and nays are never called. A member has a right to speak as often as he chooses. Amendments made in Committee are not inserted in the journal. The Committee cannot adjourn but must rise, report, and ask leave to sit again. A Committee of the Whole cannot refer a matter to another committee. The Committee cannot punish a breach of order in the house or in the gallery. A member addressing the Committee, is not obliged to rise from his seat, and in discussion, can mention a member by name.

	Population.	*Senators.*	*Rep.*
Maine,	399,454	2	8
New Hampshire,	269,327	2	5
Massachusetts,	610,408	2	12
Rhode Island,	97,192	2	2
Connecticut,	297,665	2	6
Vermont,	280,652	2	5
New York,	1,918,578	2	40
New Jersey,	319,921	2	6
Pennsylvania,	1,348,072	2	28
Delaware,	75,431	2	1
Maryland,	405,842	2	8
Virginia,	1,023,502	2	21
North Carolina,	639,747	2	13
South Carolina,	455,025	2	9
Georgia,	429,811	2	9
Kentucky,	621,832	2	13
Tennessee,	625,263	2	13
Ohio,	937,901	2	19
Louisiana,	171,904	2	3
Indiana,	343,030	2	7
Mississippi,	110,357	2	2
Illinois,	157,146	2	3
Alabama,	262,507	2	5
Missouri,	110,357	2	2
Total,		48	240
Delegates, Territory of Michigan,			1
" " Arkansas,			1
" " Florida,			1
Whole number,			243

If this motion is carried, the Speaker resumes the chair, calls the House to order, and the Chairman of the Committee, standing in his place reports "That the Committee of the whole having under consideration according to order the subject of the removal of certain obstructions to the navigation of the river Delaware, beg leave to report a bill entitled 'an Act &c.'" or "have made progress therein, but not having had time to go through the same, have directed me to ask leave to sit again." A motion is then made that "the Committee have leave to sit again," and the Speaker puts the question "*shall the committee have leave to sit again*?" &c. If the ayes have it, the Speaker asks, "*at what time*," and if different days are named, the question is first taken upon the most distant period.

Sec. 29. *Bills &c. reported and first reading.*

"The first reading of a bill shall be for information, and if opposition be made to it, the question shall be 'shall this bill be rejected?' if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question." *Rule 91st of House of Rep.*

Bills may be introduced by leave (as before, page 201) or may be reported by the Committee. After the petitions and remonstrances are disposed of, the Speaker announces, "*It is now in order for Committees to report*," or, "*reports of Committees are now in order*." The Chairmen

of the respective Committees will then report; as, "the Committee to whom was referred the petition of A. B. for a pension, having duly examined the vouchers accompanying the petition, are of opinion that the facts set forth in the petition are not sustained," or "that he does not come within the class of persons entitled to legislative relief. They therefore offer the following:

"Resolved, that the petitioner have leave to withdraw his petition and documents, and that the committtee be discharged from the further consideration of the subject."

The speaker will then ask, "*what order will the House take upon this Resolution.*" A motion is either made that "it be agreed to," or in case the member who has the petition in charge wishes delay, he will move "that the Report lie on the table."

If the chairman reports a bill, he will say, "Mr. Speaker, the Committee to whom was referred the petition from the county of Warren, for the establishment of a Bank, to be located at Hackettstown, asks leave to report by bill." He then sends the bill to the Clerk, who reads it at length; but, in order to save time, a motion is usually made, after the Clerk has read the title, "that the title of the bill be taken for its first reading;" and the question is put by the Speaker, "It is moved that the title of this bill be taken for its first reading. As many as are in favor that the title of this bill be taken for its first reading, will say, Aye; contrary opinion, No." If the ayes have it, he will

say, "*The ayes have it. Ordered that the title of this bill be taken for its first reading.*" He then puts the question, "Shall this bill have a second reading? As many as are in favor of ordering this bill to a second reading, will say, Aye; contrary opinion, No. *The ayes have it. This bill is ordered to a second reading.*" The ordering a public bill to a second reading, in my opinion, is equivalent to ordering it to be printed, and no motion need be made to that effect. *Private* bills, by the sixteenth rule of Assembly, are required to be printed; and if a member desires to save the applicant the expense of furnishing printed copies of the bill, he will move "that the printing be dispensed with." Now is the proper time, when the bill is ordered to a second reading, to make that motion.

Additional Members added to Committee.

If the committee are so divided, that a majority cannot unite, a report may be made to that effect, accompanied with a motion, "that two more members be added to the committee." Additional members may be added to the committee, at any time, by order of the House.

Amendment of Report.—"When a committee *report*, accompanied by a *resolution* to be discharged from the further consideration of the subject, the *report* may be amended." *Sutherland*, 133.

The minority of the committee may report their reasons for dissenting.

A bill cannot be amended on its first reading.

When the committees have reported, it is the proper time to refer items of unfinished business, —to ask leave of absence; to ask leave to withdraw petitions or documents; and motions to reconsider may be made.

"*Report of Bill with amendments.*—The chairman of the committee, standing in his place, informs the House that 'the committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same, with sundry amendments;' and he, or any other member, may move that it now be received. But the cry of, '*now, now,*' from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations, and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it to the Clerk, who reads the amendments without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report." *Scob.* 52; *Hakew.* 148.

Sec. 30.—*Bills, &c., on Second Reading.*

According to rule 5 of Assembly, "all bills or special reports of committees are numbered as they are severally introduced, and a list made of the same, to lie upon table;" when the Speaker announces, "that bills upon a second reading

e taken up." The Clerk commences with reading its title. If the member, who has e of the bill, does not desire it to be taken e will tell the Clerk to "Pass." This, ırse, refers only to private bills. A pub- l, when reported, is under the control of the ɜ, and, when called up, in order, by the , will be acted upon, unless the House, motion, pass it. No. 1 being passed, or ɜed of, No. 2 will next be called, in like er, and the list proceeded in, until the ɜ adjourns; and, at the next meeting of the ɜ, when bills upon a second reading are up, the Clerk will commence on the list place to which the House progressed at evious meeting: for example; if the House, ɜ meeting, had progressed to, and disposed). 13,—at the next meeting, the Clerk will ıence with No. 14; and so, at every subse- meeting, until the whole list is gone gh.

ıen a bill is taken up upon a second read- he Clerk reads the whole bill, commencing the title. Having read the bill, he then the first section, and sits down. The ɛer will announce, "*This bill is on its se- reading*," (or if the bill is from Council, s is a bill from Council, on its second read- —"*the question will be on its first section.*" is the time to read petitions, remonstrances, locuments, in favor of, or against, the bill, o offer amendments. The advocates of the

bill will endeavor to make its details as perfect as possible; and policy will dictate to them to adopt amendments, which are unimportant, if the non-adoption would prejudice the bill with the members who offer the amendments; they will, at the same time, guard against amendments, which are frequently offered by members *secretly* hostile to the bill, for the purpose of rendering it odious, or to destroy it on its final passage. A member may easily encumber a bill with such amendments, as would make it odious, or tend to destroy it on its final passage.

If the house wishes to express its signal disapprobation of the merits of a bill, a motion to strike out the first section, will now be made and carried, followed up by a motion to dismiss the bill from the files of the House.

The first section being under consideration, and an amendment offered, the question will be on the amendment. The Speaker will state the amendment and say, "*as many as are in favor of this amendment will say, aye; contrary opinion, will say, no. The ayes have it. The amendment is agreed to. The Clerk will read the section as amended.*" The Clerk having read the section as amended, the Speaker will put the question, "*First section of the Bill as amended, as many as are in favor of agreeing to the first section of the Bill, will say, aye; contrary opinion, no. The ayes have it. The section is agreed to.*"

"A motion to strike out the enacting words

of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection."—*Rule* 32 *of House of Rep. of the United States.*

The Clerk will then rise and read the second section, and the House will proceed to consider each section until the whole are gone through, when the preamble (if there is one) will be read, which is also subject to amendment. The Speaker will put the question, "*Preamble of the Bill. As many &c.*" Next, the title will be read, also subject to amendment. The Speaker will put the question, "*Title of the Bill. As many, &c.*" The title being agreed to, the Speaker will say, "*This bill has been read a second time, considered by sections, amended, and agreed to. The question will now be upon ordering it to be engrossed for a third reading.*" If the bill has come from Council, and has not been amended, it is already engrossed, and the question will be "*upon ordering it to a third reading.*" The opponents of the bill having failed to insert obnoxious amendments, or to destroy the object of the bill by striking out sections, can now make an attack upon the bill as an entirety; may call up remonstrances, state their reasons for opposing it, and rally their strength upon the question of its engrossing; in legislative bodies generally, the question of engrossing a bill, usually tests its strength; in the New Jersey Legislature, this demonstration of strength is seldom made until

the question of its final passage. The question in the Assembly, (unless the yeas and nays are called for,) is taken by rising. "*As many as are in favor of ordering this Bill, to be engrossed for a third reading, will rise.*" The Speaker rising, counts the members up, beginning at his left, and announces the number: as, "*twenty-four gentlemen up. The gentlemen will resume their seats. As many as are opposed to ordering this Bill to be engrossed for a third reading, will please to rise.*" Having counted as before, he announces, as, "*twenty-three gentlemen up. The ayes have it. The bill is ordered to be engrossed for a third reading.*" The Clerk will then send the bill as amended to the engrossing Clerk.

Engrossing is transcribing the bill as amended in a fair legible hand, without erasure or interlineation.

Sec. 31. *Bills on third reading.*

The engrossed bills are placed, by the engrossing Clerk, on the Speaker's desk, and it is the practice to take them up, immediately before the list of bills upon a second reading. The Speaker calls over the title of a bill, according to its seniority, and it will be taken up, upon motion, without an objection is made; if no motion is made, the Speaker will call the next, and so in succession until he has gone through with the whole number. If the *house* take up an engrossed Bill, the Clerk will

Bill, commencing with the title, and the
will compare it, at the same time, with
nal bill and amendments, to see if it is
engrossed.
nendments can now be offered. The
will state the question, "This bill is on
and last reading; the question will be
ıal passage."
ıdvocates and opponents of the Bill are
nake their final efforts. The opponents
ll may move to postpone the Bill until
session of the Legislature, (a motion
ill sometimes carry, when the opposition
t defeat it on the final vote,) or to com-
commit it, which motions, when carried,
few days of the expiration of the ses-
uld be equally fatal, if its friends could
ɔer votes sufficient to dispense with the
the House. The discussion having
ıe Speaker will ask, "*Is the House ready*
ɥuestion?" And will put the question,
y as are in favor of the final passage of
when their names are called, will say, aye.
a contrary opinion, will say, no. Shall
ɔass?" The Clerk then calls the house
ɔetical order, and each gentleman, as his
called, answers "Aye" or "No." The
ɔn announces, "In the affirmative, Mr.
r. ——, &c., 26. In the negative Mr.
r. ——, &c., 24."
peaker then announces, "This bill has
is it the pleasure of the House that this

bill be signed ; that Council be informed that the same has passed, and request their concurrence?" Or if it is a bill from Council which has passed, "that Council be informed that this bill has passed without amendment," or "that this bill has passed with sundry amendments, to which they request the concurrence of Council," to which the response from the House, is "Aye." The Speaker then signs the bill and the Clerk carries it, with the accompanying documents, to the bar of the Council, where the Serjeant-at-arms, (if no vote is being taken,) announces, "A message from the House of Assembly ;" the Clerk advances within the bar and says, "Mr. President, I am directed to inform Council that the House of Assembly have passed the following bill—'An Act, &c.,' to which they ask the concurrence of Council," or "have passed the bill from Council entitled 'An Act, &c.' without amendment," or "with certain amendments, to which amendments the assent of Council is requested." He then hands the message in writing, with the bill and accompanying documents, to the Secretary of Council, and retires.

Sec. 32. *Bills from Council.*

Whenever a bill from Council is called up, upon its second reading or final passage, the Speaker will announce, before taking the question on the first section or final passage, "*This is a bill from Council.*"

Private bills from Council will be referred to a committee comprising one of the members from the county from which the bill originated, who is generally first named on the committee.

Sec. 33. *Bills from Council amended.*

Messages from Council are always sent by their Secretary.

When a message is received, announcing the passage of a bill from Council, and requesting the concurrence of the Assembly, as soon as the immediate business before the House is disposed of, the Clerk will read the message and bill. The title of the bill, to save time, is usually taken for its first reading, and a motion is made and carried to refer it. The committee report the bill either with or without amendment.

"All bills re-committed and reported *with amendment*, to stand on a second reading."—*Rule 10 of Assembly.*

The committee have no right to reject the bill. If the bill is reported with amendments, the amendments must be in writing, and on a separate paper, and if adopted, or other amendments inserted, it is ordered "that Council be informed that the bill has passed with certain amendments to which the concurrence of Council is requested." The Council will either "*concur or disagree.*" The question is taken in Council, "will *Council agree to this amendment*," taking them up separately and in order. If Council concur, the

Assembly is informed by message "that Council have agreed to the amendments made by the House of Assembly to the bill, &c. and have caused the same to be re-engrossed," and when the bill so amended, has passed Council, it is a law without the further action of the Assembly. If Council disagree to the amendments, or any of them, the Assembly is informed thereof by message; as, "Mr. Speaker, I am directed to inorm the House of Assembly that the Council disagree to the amendments made by the House of Assembly to the bill from Council, entitled 'An Act, &c.'" The question will then be taken to *insist* or *recede* from the amendments: should the House *récede*, the bill has passed into a law without the further legislation of either House: should they *insist*, Council are informed thereof, and the question is taken in Council either to *insist on*, or *recede from* their disagreement: should they *recede* from their disagreement, they will reengross the bill as amended; put it on its final passage, and it is a law without further legislation: should they *insist*, they will appoint a committee of conference and inform the House of Assembly of the appointment of such committee.

Either House has a right to amend the amendments from the other House, but has no right to amend its own amendments.

"A motion to amend an amendment from the other House takes precedence of a motion to *agree* or disagree."—*Jefferson's Manual*, 187.

The same questions of agreeing, disagreeing, and insisting, are taken upon the amendments to the amendments.

The message from Council informing the Assembly of the appointment of a committee of conference on their part, being received, another motion is usually made to *recede*, and if that motion fails, a committee of conference, upon the part of the Assembly, is appointed to confer with the committee appointed by Council upon the amendments pending between the two Houses, and Council are informed thereof, or, a conference is denied.

Sec. 34.—*Committee of Conference.*

"The request for a conference must always be by the House, which is possessed of the papers." 3 *Hats.* 31; 1 *Grey*, 425.

The committee is always composed of noncurring members.

"A conference may be asked, before the House asking it, has come to a resolution of disagreement, insisting or adhering." 3 *Hats.* 269, 331.

Conferences are either *simple* or *free.*

"At a *simple conference*, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the conferees of the other House, but are not then to be answered." 4 *Grey*, 144.

"The other House then, if satisfied, vote the reasons satistory, or say nothing; if not satisfied, they resolve them not satisfactory, and ask a con-

dence, on the 10th inst. I, therefore, submit to the House, the following resolution:

"Resolved, by the General Assembly of the State of New Jersey, that, in testimony of respect to the memory of our deceased fellow member, John R. Scull, Esq., of the county of Gloucester, the members of this House will wear the usual badge of mourning for thirty days from this day."

The Clerk will then read the resolution, and the Speaker will put the question, "As many as are in favor of agreeing to the Resolution will say, Aye; contrary opinion, No. *The ayes have it. The Resolution is agreed to.*"

A motion is then made, put, and carried, that "the House now adjourn."

Sec. 41.—*Examination of Witnesses.*

"Common fame is a good ground for the House to proceed by inquiry, and even to accusation."—*Resolution of House of Commons*, 1 *Car.* I. 1625.

"When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker, or Chairman, who repeats the question to the person, or says to him, '*you hear the question, answer it.*' But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved, or put, or debated, while they are there." 2 *Hats.* 108.

The question asked, must be entered on the rnals; but the testimony is not, (except when ore a committee for the information of the use.)"

"If either House have occasion for the pre-nce of a person in the custody of the other, ey ask their leave." 3 *Hats.* 52.

"A member, in his place, gives information to he House of what he knows of any matter un-ler hearing at the bar."—*Journal of Commons*, A. D. 1744-5.

"Either House may request, by message, the attendance of a member of the other House, but not command." 10 *Grey*, 133.

"Counsel are to be heard only in private, not on public bills, and on such points of law only as the House shall direct." 10 *Grey*, 61.

Sec. 42.—*Resolutions.*

Joint.—"That no bill, or joint resolution, shall be read more than once on the same day." —*Rule* 10 *of Assembly.*

"That all resolutions requiring the consent o Council, shall be read three times and engross ed."—*Rule* 9 *of Assembly.*

The proceedings upon joint resolutions ar the same as before, on bills.

Caption of Joint Resolutions.—"Resolve (or, Be it Resolved,) by the Council and Ger ral Assembly of this State."

Single Resolution is read but once, and caption is "*Resolved.*"

Concurring Resolution is read but once, but is not valid until concurred in by Council. Concurring resolutions are generally passed in relation to the appointment of joint committees, and are not engrossed; as, in the Fifty-eighth Legislature, it was

"Resolved, (Council concurring,) that a Joint Committee of the two Houses be appointed, for the purpose of considering the expediency of expressing the sense of this Legislature upon the important subjects now under discussion before the Congress of the United States."

"When the House commands, it is by an 'order,' but facts, principles, their own opinions and purposes are expressed in the form of resolutions." *Jefferson's Manual*, 141.

Sec. 43. *Incidental powers of each House.*

Each house by single resolution can furnish its hall and committee rooms, may order fuel and stationary, may alter hall or passages leading to it, may purchase newspapers, pamphlets, and books, necessary for the use of its members.

Sec. 44. *Unfinished business.*

Unfinished business of the previous session is reported by the standing committee on that subject, and numbered in order; this report is printed and laid on the desk of each member: for example; No. 1, of unfinished business, may be "a Bill to incorporate the Farmers' Bank at Medford, in the county of Burlington," and Mr.

Budd, member from that county, wishes to bring it up for legislative action; he moves to take up the list of unfinished business, and, if the motion is sustained, he moves, "to refer No. 1, of unfinished business, to a committee." The Speaker puts the question, "as many as are in favor of that motion, will say, aye; contrary opinion, no. *The ayes have it. Referred to Messrs. Budd, Flatt, and Rogers.*" The bill, or a bill is then reported by this Committee, and it goes through the same process to its final passage, as a new bill introduced at this session. The only advantage gained by leaving a bill on the unfinished business of the House, is, that no notice of the application need be made, by advertisement, agreeably to the requisitions of the act of February 14, A. D. 1833, in case the bill should come under that class of applications. The unfinished business of the preceding sitting, has also the preference by rule 5 of Assembly.

Sec. 45. *Order to lie on the table.*

"That when the House order a petition or other paper to lie on the table, it shall be for the consideration of the members, and may be taken up and considered at a future time."—*Rule* 10 *of Assembly.*

Sec. 46. *Motions.*

"That no debate ensue, or question be put on a motion unless it be seconded; when it

shall be opened to debate, and the same receive a determination by the question, unless it be laid aside by the house, or a motion be made to amend it, to postpone it, or commit, or for the previous question, or to adjourn."—*Rule 6 of Assembly.*

"A motion to adjourn or to postpone shall always be in order."—*Ibid.*

"That on motion for the previous question no member shall speak more than once without leave of the House."—*Ibid.*

"A motion for commitment, until decided, shall preclude all amendment of the main question."—*Ibid.*

"If a motion contain more than one simple question, any member, upon application to the chair, may have it divided into as many parts as there are distinct questions, if seconded on his motion."—*Ibid.*

"That every motion shall, on application of any member to the chair for that purpose, be reduced to writing by the person moving the same."—*Ibid.*

"That when any motion shall be made and seconded, the name of the person moving and seconding the same, shall be entered on the minutes therewith, if any two members require it."—*Ibid.*

"That when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member who voted with the majority on said question, to move for

a reconsideration thereof, on the same or the succeeding day, which shall be determined by the assent of two-thirds of the members present."—*Ibid.*

Sec. 47. *Dispensing with the rules.*

"That none of the foregoing rules shall be altered or dispensed with, unless by a vote of two thirds of the whole House." ***Rule** 18th, of Assembly.*

Towards the close of the session, the House frequently dispenses with Rule 10, "that no bill or joint resolution shall be read more than once in the same day." Bills are then frequently put upon their final passage on the same day that they are reported. After the first reading of a bill, the member who desires to dispense with the rule will move, "that the 10th rule be dispensed with, in order to take up this bill on its second reading." The Speaker puts the question; "It is moved to dispense with the rules in order to take up the Bill entitled 'an Act &c.' on its second reading. As many are in favor of that motion will say aye; contrary opinion, no. The ayes have it. The rule is dispensed with. The bill will be taken up."

Sec. 48. *Commitments.*

"That all bills, previous to their being passed by this House, all petitions, motions and reports, may be committed at pleasure of the House."—***Rule** 7 of Assembly.*

one; and of Salem, Cumberland and Cape May, one.

The regiments of cavalry are formed as follows, viz:—

The squadrons of Bergen and Essex, form one regiment; of Morris, Sussex and Warren, one; of Middlesex, and Monmouth, one; of Hunterdon and Somerset, one; and of Burlington, Gloucester, Salem, Cumberland and Cape May, one.

The following table exhibits the number of militia, in the respective brigades, as near as I could gather it, from the very imperfect returns of the brigade Inspectors, in the Adjutant General's office.

	Cavalry.	*Artillery.*	*Rifle.*	*Infantry.*
Burlington,	57	48	47	3288
Gloucester,	37	81		1948
Salem,	88	152	120	1508
Cumberland,	45	187		1746
Cape May,		124		424
Bergen,	93	153	21	2074
Essex,	250	422	51	4283
Morris,	155	123	227	2369
Middlesex,	238	93	37	1443
Monmouth,	124	50	213	3292
Somerset,	158	107	93	1304
Hunterdon,	418	510	127	2187
Warren,	110	168	142	1883
Sussex,	172	152	211	2310
Total,	1946	2370	1289	30,059

on its second reading, and when the first section is under consideration.

Filling Blanks.

"That in filling up all blanks relative to the appropriation of money, the question, shall be first taken on the highest sum mentioned; and in like manner as to time, that the question be first taken on the most distant period." *Rule 9 of Assembly.*

Sec. 51. *Amendments.*

"A member who has spoken on the main question may speak again to the amendment."—*Scob.* 23.

"A *new* bill may be engrafted on the words '*Be it enacted.*'"—1 *Grey*, 190.

"If it be proposed to amend, by leaving out certain words, it may be moved as an amendment to this amendment, to leave out part of the words of the amendment, which is equivalent to leaving them in the bill." 2 *Hats.* 80-9. "The parliamentary question is, always, whether the words shall stand as a part of the bill?"

"When it is proposed to amend by inserting a paragraph, the friends of the paragraph may make it as perfect as possible, by amendments, before the question is put for inserting it; in like manner, if it is proposed to amend, by striking out a paragraph, the friends of the paragraph may make it as perfect as they can by amendments

pieces of paper, are charged with triple those rates.

Quadruple letters, or those composed of four pieces of paper, are charged with quadruple those rates.

One or more pieces of paper, mailed as a letter, and weighing one ounce, are charged with quadruple postage, and at the same rate should the weight be greater.

Newspaper Postage.—For each newspaper, not carried out of the state in which it is published; or if carried out of the state, but carried not over 100 miles, one cent; over 100 miles, and out of the state in which it is published, one and a half cents.

Magazines and pamphlets, if published *periodically*,

	miles,	cts. per. sheet.
Distance not exceeding	100	8 1-2
do over	100	2 1-2
Not *periodically*, not exc.	100	4
do over	100	6

Small pamphlets, printed on a half or quarter sheet of royal, or less size, are charged with half those rates. Eight pages quarto are rated as *one sheet* and all other sizes in the same proportion.

The number of sheets which it contains, must be printed or written on one of the outer pages of every pamphlet or magazine to be sent by mail. Where the number of sheets is *not* truly stated, double postage is charged.

"A bill passed by the one House with blanks. These may be filled up, by the other, by way of amendments, returned to the first as such, and passed."—3 *Hats.* 83.

It will not be permitted to amend an amendment to an amendment of a main question.

In the British parliament, when an essential feature of a bill has been omitted, after engrossing, rather than erase the bill, a clause is added on a separate paper, engrossed and called a *rider.* In the Assembly of New-Jersey an engrossed bill (except from the other House) is rarely committed, and never amended in the House.

It is the practice, when a bill is received from the other House, containing a manifest omission of a word by the engrossing Clerk, or an orthographical error, for a member upon motion or suggestion of the Speaker, with leave of the House, to carry the bill to the Secretary of Council and have the bill amended by the Secretary: this is called a *private amendment.*

Sec. 52. *Order of voting and taking questions.*

The question is to be put first on the affirmative and then on the negative side, and any member may speak before the negative is put.

"That when any question is stated, and by the House agreed to be put, no member shall be at liberty to withhold his vote without the leave of the House."—*Rule* 9 *of Assembly.*

"That the yeas and nays be entered on the

question for passing every original, or re-engrossed bill, except the same be unanimous." *Ibid.*

"That, upon the call of the House, or taking the yeas and nays on any question, the names of the members be called alphabetically; and that the Speaker's name be called in the alphabetical order with the other members." *Ibid.*

"That the yeas and nays be entered on every question taken in the House, when moved for, and seconded, and supported, by five members rising in its favor." *Ibid.*

"That unless the yeas and nays shall be required in the usual mode, on any question before the House, the sense of the House shall be taken by the Speaker's stating the question, and then saying, 'As many as are in favor of the question will say, Aye; contrary opinion, No.' If there is any doubt of the determination, the members voting in the affirmative, or negative, shall, by the Speaker, be required to rise, that they may be counted; and, if there be an equal number of votes, the Speaker to decide." *Ibid.*

"That, in filling up all blanks, relative to the appropriation of money, the question shall be first taken on the highest sum mentioned; and, in like manner, as to *time*, that the question be first taken on the most distant period." *Ibid.*

Upon a count, no member, without the bar, shall be counted.

In Assembly, the Speaker takes the question by *rising*, on every engrossment.

Upon asking leave to present petitions, memo-

ials, and remonstrances, the Speaker, if there
no objection, grants leave, without putting the
uestion,—likewise upon reporting a bill.

When the orders of the day are called for,
e Speaker will put the question, "*Will the
ouse now proceed to the orders of the day?*"
hen the previous question is called for, the
eaker will put the question, "*Shall the main
estion be now put?*"

It is a breach of order for the Speaker to re-
e to put a question which is in order.

Sec. 53.—*Privileged Questions.*

"A motion to adjourn, or postpone, shall al-
ys be in order."—*Rule* 6 *of Assembly.*

"A motion for commitment, until it is decided,
ill preclude all amendment to the main ques-
n." *Ibid.*

"When a motion is opened to debate, it shall
eive a determination by the question, un-
s it be laid aside by the House, or a motion
made to amend it, to postpone it, or commit
or for the previous question, or to adjourn."
d; also, Rule 8 *of U. S. Senate.*

A motion for adjournment cannot be received
ile the House is engaged in voting.

Orders of the day are a privileged question,
l may be called for, by any member, during
y debate.

The Privileged Questions.—To adjourn. To
stpone to the next session. To postpone to a
y certain. To postpone for the present. Or-

ders of the day. To lie on table. To ar
To commit. For the previous question.

Sec. 54.—*Precedence of Motions.*

1. A motion to adjourn, or postpone
precedence of all others. 2. Orders of th
3. To lie on the table. 4. To amend.
commit. 6. Previous question.

"Amendment of the main question first n
and afterwards the previous question,—the
tion of amendment shall be first put." *Je*

A motion to postpone a motion for th
vious question, commitment, or amendm
not in order.

When two motions are made, the one
fer a matter to a standing committee, a
other to a special committee,—the motion
fer to a standing committee shall be first

An amendment of an amendment to an a
ment is not in order.

Motions to amend a section have prec
of motions to strike out.

Questions of order, arising out of a qu
must be decided before that question, w
that question is privileged or not.

Matters of privilege, arising out of any
tion, take precedence of the original ques

The question on reading papers con
with the question, must be put before th
question.

Sec. 55. *The Previous Question.*

"The previous question shall be put in this form, "*shall the main question be now put?*" It shall only be admitted when demanded by four members, and until decided shall preclude all amendment, and further debate on the main question." *Rule* 6 *of Assembly.*

When the previous question is called for, the four members demanding it will rise from their seats, and the Clerk will report the number of gentlemen up; when the Speaker will put the question, "*shall the main question be now put?*" and, if decided in the affirmative, the main question must be put immediately, without debate and without amendment.

"A resolution had passed the House of Representatives of Pennsylvania, relative to the employment of counsel to attend a certain suit, in which the State was interested. The resolution was presented to the Senate, where it was so amended, as to direct that the Attorney General should thereafter reside at Harrisburg, &c. This amendment was sent to the House of Representatives for concurrence on the afternoon of the last day of the session, when motions to 'non-concur,' 'amend,' 'postpone,' &c., were severally made; and it being discovered that, if any further time should be allowed to the opposition, the amendment from the Senate would not be concurred in, as it was then late in the afternoon; the previous question was called and carried.

When the previous question was called, the motion *then* before the chair, was, 'to postpone the question of concurring.' It having, however, been decided that the main question should be put, and the 'main question, being to concur in the amendment from the Senate,' the Speaker asked, 'will the house concur in said amendment?' which was affirmatived." *Suth.* 179.

Sec. 56. *Division of Questions.*

If the motion or question in debate, contain more than one simple question, any member may have it divided into as many parts as there are distinct questions. For example: in the Senate of the United States there was a proviso that a certain bill "should not extend, 1. To any foreign minister; 2. To any person to whom the President should give a passport; 3. To any alien merchant, conforming himself to such regulations as the President should prescribe." A division of the question into its simple elements was called for, and it was divided into four parts, viz. 1. To any foreign minister. 2. To any person to whom the President should give a passport. 3. To any alien merchant. 4. Conforming himself to such regulations as the President should prescribe. It was ruled upon objection to the 4th, that in case the 3d was stricken out, the remainder of the sentence in No. 4, to wit: 'conforming,' &c., would attach to the first and second divisions.

Sec. 57. *Reconsideration.*

"That when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member who voted with the majority on said question, to move for a reconsideration thereof, on the same or a succeeding day; which shall be determined by the assent of two-thirds of the members present."—*Rule* 6 *of Assembly.*

The effect of a reconsideration, is to place the bill or question in precisely the same situation that it was, when the vote reconsidered was taken.

No vote of reconsideration can be taken when the bill, &c., to be reconsidered has gone out of possession of the House, announcing their decision.

The House of Assembly will generally reconsider, in cases where new documents and facts are discovered; where the House was not full or majority small, at the time the reconsidered question was passed.

Sec. 58.—*Adjournment.*

A motion to adjourn simply, cannot be amended, as, by adding "to a particular day." The mode is, by previous question, or resolution, that "when the House adjourns, it will adjourn to" a particular day.

"That the Speaker, and any two members, be a sufficient number to meet and adjourn, from day to day, when necessary."—*Rule* 1 *of Assembly.*

"The Council shall, from time to time, be convened by the Governor, or Vice President; must be at all times convened, when the Assembly sits: for which purpose, the Speaker of House of Assembly shall, always, immediately after an adjournment, give notice to the Governor, or Vice President, of the time and place which the House is adjourned.—*Const. Art.*

After a question of adjournment is vo it is no adjournment until the Speaker nounces it.

The House fix upon the day of adjournm by resolve, some days previous. On the da adjournment, the motion to adjourn having b put, carried, and pronounced, the House of Ass bly, with the Speaker at their head, will pro to the Hall of Council; and when the Spe arrives at the bar, the Sergeant-at-arms will nounce, "*The Speaker, and House of Assemb* when the President, or Vice President of Cou will announce to the Council, "*The Speaker, House of Assembly;*" who, at the annunciat will rise from their seats, while the Speaker vances within the bar, and announces;

"Mr. President, (or Vice President,)— House of Assembly have adjourned *sine die* which adjournment, you are hereby apprise constitutional notice."

In case it is an adjournment of the first ting, he will say, "have adjourned to mee the State House, on the 5th day of Febru

next; of which time and place, you hereby have constitutional notice."

The President, (or Vice President,) acknowledges the notice by an inclination of the head; and the Speaker, and House of Assembly, immediately retires.

Sec. 59.—*Pay and Certificate.*

"And be it enacted, that there shall be paid to the Vice President of Council, and Speaker of the House of Assembly, the sum of three dollars and fifty cents; and to every member of Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the Legislature; and to every member of Council, and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President, or Vice President, of Council, for the members of Council; and by the Speaker of the House of Assembly, for the members of Assembly, or by Henry Hilliard, John J. Chetwood, John Young, Benjamin Davis, or any two of them, for the members of Assembly."

The above section is usually introduced into the "bill for the support of government."

The following is the form of a certificate:

Nov. 12, *A. D.* 1835.

STATE OF NEW JERSEY.

First sitting of the Sixtieth Legislature.

This is to certify that Caleb H. Valentine, a member of the General Assembly, has attended sixteen days, this present sitting, for which he is entitled to receive forty-eight dollars, from the Treasury of this State. And the said Caleb H. Valentine is further entitled to receive fifteen dollars, his place of residence being fifty miles distant from the seat of Legislature.

Given under my hand, in Assembly, this twelfth day of November, in the year of our Lord one thousand eight hundred and thirty-five.

DANIEL B. RYALL, *Speaker.*

Attendance - - - - -	$48
Mileage - - - - -	15
Total	$63

Sec. 60. *Impeachment.*

"That the judges of the Supreme Court shall continue in office for seven years, the judges of the inferior Court of Common Pleas in the several counties, justices of the peace, clerks of the Supreme Court, clerks of the Inferior Court of Common Pleas and Quarter Sessions, the attorney-general and provincial secretary shall con-

tinue in office for five years, and the provincial treasurer shall continue in office for one year, and that they shall severally be appointed by the Council and Assembly in manner aforesaid and commissioned by the Governor, or in his absence by the Vice-President of Council: *Provided always*, that they shall be capable of being re-appointed at the end of the terms severally before limited, and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour by the Council, on an impeachment of the Assembly."—*Const. Art.* 12.

"That from and after the passing this Act, no justice of the peace, judge of any of the Courts of this State, or any other officer, who is or may be, by the laws or Constitution of this State, subject to impeachment, shall, during the time in which articles of impeachment are pending against him or them, the same having been presented to the Council, do, or perform, any act relating to his or their said office, but every act done under color of such office, is hereby declared to be null and void."—*Act of March 1st A. D.* 1830.

"That any such justice, judge, or other officer, presuming to act under color, or pretence, of being authorized so to act, while such articles of impeachment are pending and undetermined, shall forfeit and pay, for each offence, the sum of fifty dollars, to be sued for and recovered in an action of debt with costs of suit, before any

court of competent jurisdiction, in any county where the offence shall be committed, for the benefit of the person who shall sue for the same.' —*Ibid.*

Proceedings.—The committee to whom would be referred the petition complaining of the official misconduct of an officer, would be empowered to send for persons and papers: the committee sometimes give notice to the accused in order that he may be heard before the committee in person, or by counsel.

Should the facts substantiated before the committee, be of an impeachable character, they will report—

"That they have examined the evidence produced in behalf of the complainants, from which the following facts appear to the committee to be supported, viz.

"First,———&c.

"It therefore appears to your Committee, that the said John Doe, Esq., in violation of the Constitution and laws of this State, regardless of his high station, has been guilty of misdemeanour in office, and that sufficient appears, wherefore he should be impeached by this House at the bar of the Council. They therefore offer the following resolution:

"*Resolved*, That John Doe, Esq., a judge, &c., be impeached at the bar of the Council, and that a committee be appointed to prepare articles of impeachment against John Doe, Esq., for misdemeanour in office.

Should the House adopt this resolution, a Committee will be appointed to prepare articles of impeachment in the following form.

Articles of impeachment exhibited by the House of Assembly, of the State of New Jersey, in their own name and in the name of the State of New Jersey, against John Doe, Esq., a judge of the Common Pleas, in and for the County of Monmouth.

ARTICLE I.

That the said John Doe, being duly commissioned a judge of the Inferior Court of Common Pleas, &c.

And the said House of Assembly, by protestation saving to themselves the liberty of exhibiting at any time hereafter, any other accusation or impeachment against the said John Doe, judge of the Common Pleas, as aforesaid, and also of replying to the answers, which he, the said John Doe, shall make unto the said articles, or to any or either of them, and of offering proof of the said premises or of any of them, or of any other accusation or impeachment, which shall or may be exhibited by them, as the case shall require, do demand that the said John Doe, judge &c. as aforesaid, may be put to answer all and every of the premises, and that such proceedings, examination, trial and judgment, may be, against and upon him, had, as are agreeable to the Con-

Sergeant-at-arms will then make proclamation that the court is open. The Secretary is then directed to give notice to the House of Assembly, that the Council have organized themselves into a court of impeachment, and are ready to proceed on the trial of the impeachment of John Doe, judge, &c., and that seats are provided in the Council Chamber, for the accommodation of the members of the House of Assembly.

The House of Assembly will then resolve themselves into a committee of the whole, and preceded by the managers, will proceed to the bar of the Council, where, being announced by the Serjeant-at-arms to the President, and by the President to the members of Council who will rise from their seats, they will take the seats assigned to them. Seats will also be assigned to the managers, respondent, and his counsel.

The Serjeant-at-arms will then be called, and sworn to the return endorsed on the summons issued against John Doe, judge, &c.

The President will then direct the articles of impeachment to be read by the Secretary, and the Secretary having read the articles, the President will direct proclamation to be made as follows :

"*Oyez ! Oyez ! Oyez !* John Doe, a judge of the Common Pleas, in and for the county of Monmouth, come forward and answer the articles of impeachment exhibited against you by the House of Assembly of the State of New-Jersey."

The respondent will then come forward, and

the President will ask him, "what answer he has to make?" The respondent will then answer, and the President will demand of the managers "what reply they have to make to the pleas and answer of the respondent?"

It is usual, at this time, for the managers to request a day's delay, till they consult with the House of Assembly, as to the replication they may think proper to make. The Court grants the request, and adjourns to the hour appointed.

At the hour appointed, the Court is opened by proclamation, and the managers present the replication of the House of Assembly.

After the testimony and arguments are concluded, the Court will fix an hour for the delivery of their judgment, of which time the House of Assembly will be informed.

The Court will then resolve "to pronounce judgment in the case of John Doe, a judge of the Common Pleas, in and for the county of Monmouth."

The articles of impeachment will first be read through by the Secretary, and then the first article, upon which the question will be taken by the President from each member—"Mr. Zabriskie, how say you? Is the respondent guilty or not guilty of a high misdemeanour, as charged in the first article of impeachment?" And the Councillor will answer "guilty," or "not guilty."

The question will be taken on each article in like manner, and the President will an-

on endorsed, on or before the appearance day, mentioned in said writ of summons.

Witness, Peter D. Vroom, President of Council, at the city of Trenton, this first day of December, in the year of our Lord one thousand eight hundred and thirty-five.

PETER D. VROOM.

(*Attested*) JAMES D. WESTCOTT, *Sec'y.*

Return, on back of Summons.

Dec. 10, *A. D.* 1835.

I, Samuel Wooley, Sergeant-at-arms of the Legislative Council of New Jersey, in obedience to the within summons to me directed, did proceed to the residence of John Doe, in the county of Monmouth, on the fifth inst., and did then and there deliver to, and leave with, the within named John Doe, a true copy of the within writ of summons, and a like copy of the precept thereon endorsed, and did show him both.

SAMUEL WOOLEY.

Subpœna.

To John S. Darcey, Esq., Greeting:

You are hereby commanded to appear before the Legislative Council of the State of New Jersey, on the ninth day of January next, at the Council Chamber, in the city of Trenton, then and there to testify your knowledge in the cause which is before the Council, in which the House of Assembly have impeached John Doe, a judge

of the Common Pleas, in and for the county of Monmouth.

Witness, &c.

Endorsement.

Dec. 1*st. A. D.* 1835.

To —— ——: You are hereby commanded to serve and return the within Subpœna, according to law.

Witness, &c.

"An impeachment is not discontinued by the dissolution of parliament, but may be resumed by the new parliament." 2 *Woodd.* 618.

In the case of the impeachment of Henry Miller, which was tried before the Legislative Council of New Jersey, in May, 1830, the following rule was adopted:

"That the President shall have power to direct the Council Chamber to be closed, whenever the Council may wish to confer together in private."

In the same case, the House of Assembly had resolved, "that during the trial of the impeachment of Henry Miller, now pending before the Legislative Council, this House *will attend said trial by their managers*, and the said managers are authorized to file said replication, and join issue, in such manner, and form, as to them may seem correct and proper."

The House of Assembly, having adjourned

sine die, Henry Miller, the respondent, by his counsel, Garret D. Wall, Esq., submitted to the Court the following motion, viz:

"That the House of Assembly, having adjourned *sine die*, the powers of the managers of the impeachment against Henry Miller, a justice of the peace, of the county of Hunterdon, appointed by that body to prosecute said impeachment, have ceased, and that this Court cannot entertain jurisdiction of the cause."

Which motion, upon argument, was negatived *nem. con.*—*Vide Minutes of the Impeachment of Henry Miller, attached to Journal of the Fifty-Fourth Session of Council.*

Sec. 61. *Rules of Council.*

1. The President for the time being, shall not engage in any public debate without leave of the house, except so far as shall be necessary for regulating the form of proceeding; but shall, on all occasions, support the strictest order agreeably to the rules here laid down.

2. No member shall interrupt the business of the house, by entering into private conversation, during a debate, or whilst any business is before the house that requires the general attention.

3. Every member who rises to speak, shall address himself to the chair, and when any two members shall rise at the same time, the president shall determine which shall speak first.

4. No member shall speak in any debate

without rising, nor more than three times on any one subject of debate, unless he first obtain the leave of the house.

5. The members, during a debate, shall all keep their seats, except the member who rises to speak.

6. That the consent of a majority of the members present, shall be necessary to engross or re-engross any bill. That on the final passing of any bill, the following question shall be taken, *shall this bill* (as engrossed or re-engrossed, as the case may be) *pass?* And if a constitutional majority vote in the affirmative, it shall be considered as having passed, and signed accordingly.

7. That on every question for the final passing of a bill, unless the same shall pass by the unanimous vote of all the members of Council, the names of all the members present, with the yeas and nays on such question, shall be entered on the journals of this house, and the like entry shall be made on every other question, if the the same shall be moved for by any one member, previous to the call of the house.

8. That all committees shall be appointed by the president, or in his absence, by the vice-president.

9. That all motions entered on the journals of this house, shall be entered in the names of those who make them, provided the same shall be required by any one member.

10. That in all debates and proceedings, the

members shall keep themselves within the strictest rules of decency and decorum.

11. That when an amendment made in this house to a bill from the House of Assembly, is disagreed to by that house, and not adhered to in this, the bill shall be considered as standing on a third reading.

12. That no bill shall be committed or amended, until it shall have been twice read, except private bills as provided for in the twenty-fourth rule, after which it may be referred to a committee; and when reported, either with or without amendments, (which amendments shall always be on a separate paper,) the bill shall be considered as on a second reading. But when the committee think the bill cannot be made good by amendment, they shall not reject it, but report the bill back to the house, without amendment, and there make their opposition.

13. That no private bill be read a second time, unless a printed copy thereof be in possession of Council.

14. That no bill shall be read more than once on the same day. No standing rule or order of Council shall be dispensed with, unless by the assent of two-thirds of the members present; nor rescinded or amended, without one day's notice being given of the motion therefor.

15. No motion shall be debated until the same shall be seconded, and it shall be reduced to *writing*, if the presiding officer or any member *desires* it.

16. That when a question is under debate, no motion shall be received, but to adjourn, to lie on the table, for the previous question, to postpone to a time certain, or for the present, to commit or amend, or to postpone indefinitely, which several motions shall have precedence, in the order in which they are here arranged.

17. A motion to adjourn shall be always in order, except when a vote is taking, and shall be decided without debate.

18. The previous question shall be in this form, "*shall the main question be now put?*" And it shall only be admitted, when demanded by two-thirds of the members of Council present; and shall be decided without debate.

19. That no motion for the re-consideration of any vote shall be in order after a bill, resolution, report, or other subject upon which the vote was taken, shall have gone out of the possession of the Council, by a message to the House, announcing their decision; and no motion for re-consideration shall be in order, unless made on the same day the vote was taken, or upon the next day of actual session of the Council, and moved and seconded by members who voted in the majority.

20. Every joint-resolution, order, or vote, from the house, to which the concurrence of Council is necessary, shall lie on the table one day, before it is finally acted upon by Council.

21. The first business of each day, shall be

to read over the journal of the preceding day then petitions, memorials, remonstrances, letter or other documents necessary or proper to b laid before Council; after which the reports c such committees as shall be ready to report th business to them committed, shall be received.

22. All bills may be made the order of a par ticular day, and public bills when called for shall have the preference of private bills, whic (whenever two or more private bills shall b called for by members) shall be taken up accord ing to their seniority, reckoning from the date o their introduction into Council.

23. That all bills and special reports of Com mittees be numbered by the Secretary, as the are severally introduced; and a list made of th same, to lie on the table and be called up fo consideration, by the presiding officer, accordin to their numerical order; subject nevertheles to postponement on special motion, for the pu pose of taking up any bill or report, which th house may order to be taken up and considere in preference.

24. That no private bill originating in th House of Assembly, shall pass to a second rea ing until the same shall have been committed.

25. That no bill for a divorce shall be take up on a second reading, unless it shall be mad to appear by oath or affirmation, that the othe party is not, at the time of presenting the pet *tion,* a resident in the State of New Jersey, o

if a resident, that notice has been duly served on him or her, of the intended application for a divorce.

26. That the President of Council, when present, shall be called by the clerk, in all cases, when by the constitution, he has a casting vote.

27. No member shall be suffered to have his vote recorded on any question, when the yeas and nays are called, unless he be present to answer to his name; and no person shall be permitted to change his vote, without the unanimous consent of the members present, unless he, at that time, declares that he voted under a mistake of the question.

28. On filling up blanks, the question shall first be taken on the largest sum, greatest number, and most distant day.

29. A majority of members of Council shall constitute a quorum for legislation, and whenever a less number than a quorum of Council shall convene, at a regular meeting and shall adjourn, the names of those present may be entered on the journals.

30. When a less number than a quorum of Council, shall convene, at any regular meeting, they are hereby authorised to send their Sergeant-at-arms, or any other person or persons by them authorised, for any or all absent members.

Sec. 62.—*Council.*

The legislative practice of the Council, order

of business, election of officers, &c., are precisely similar to the practice of the House of Assembly, with a few unimportant exceptions, which are noted under the head of "Council."

"That the government of this province shall be vested in a Governor, Legislative Council, and General Assembly."—*Const. Art.* 1.

"That the Council shall also have power to prepare bills to pass into laws, and have other like powers as the Assembly; and, in all respects, be a free and independent branch of the Legislature, save only, that they shall not prepare, or alter, any money bill, which shall be the privilege of the Assembly: that the Council shall, from time to time, be convened by the Governor, or Vice President, but must, at all times, be convened when the Assembly sits."—*Const. Art.* 6.

"Any three or more members of Council, shall, at all times, be a privy council to advise the Governor, in all cases, where he may find it necessary to consult them."—*Const. Art.* 8.

"Any member of Council is authorized to administer the oath of allegiance to the Governor elect, and to his fellow members."—*Revised Laws*, 441.

Qualification of Members of Council.

"The counties shall severally choose one person to be a member of the Legislative Council of this Colony, who shall be, and have been, for *one* whole year next, before the election, an *inhabitant* and freeholder, in the county in which

he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county."—*Const. Art.* 3.

"The Governor and Privy Council to determine, in elections of representatives in Congress, and of President and Vice President of the United States, who have received the greatest number of votes."—*Revised Laws*, 534, *Act of Dec. A. D.* 1807.

Members of Council in the Sixtieth Legislature.

County of Bergen—Hon. Christian B. Zabriskie.

County of Essex—Hon. Stephen D. Day.

County of Morris—Hon. Jeptha B. Munn.

County of Sussex—Hon. David Ryerson.

County of Warren—Hon. Charles Sitgreaves.

County of Hunterdon—Hon. William Wilson.

County of Somerset—Hon. William Thompson.

County of Middlesex—Hon. John Perrine, Jr.

County of Monmouth—Hon. Thomas Arrowsmith.

County of Burlington—Hon. Charles Stokes.

County of Gloucester—Hon. John W. Mickle.

County of Salem—Hon. Samuel Humphreys.

County of Cumberland—Hon. Joshua Brick.

County of Cape May—Hon. Jeremiah Leaming.

Sec. 63.—*Of Vacancies in Council.*

(*Vide* page 166, *ante.*)

Sec. 64.—*Of the Vice President.*

"The Council themselves shall choose a Vice President, who shall act as such in the absence of the Governor."—*Const. Art.* 7.

"That the Governor, or, in his absence, the Vice President of the Council, shall have the supreme executive power, be Chancellor of the Colony, and act as captain general and commander-in-chief, of all the militia, and other military force in this Colony."—*Const. Art.* 8.

"The President, for the time being, shall not engage in any debate, without leave of the House, except so far as shall be necessary to regulate the form of proceeding: but shall, on all occasions, support the strictest order, agreeably to the rules here laid down."—*Rule* 1 *of Council.*

"The Vice President of Council is a trustee of the school fund."—*Act of Feb.* 12*th. A. D.* 1818.

(For his other duties, see title "Speaker," *ante*, page 192.)

Vacancy in office of Vice President.—(*Vide* page 168.)

Oath.

"I, —— ——, do solemnly promise and swear, that I will faithfully, impartially, and justly, perform all the duties of the office of Vice President of Council, according to the best of my ability and understanding. So help me God."

Sec. 65. *Secretary of Council.*

His duties. (*Vide* Clerk of Assembly *ante*, page 195.)

Oath of Secretary.

"I, James D. Westcott, do sincerely profess and swear, that I do and will, bear true faith and allegiance to the government established in this State, under the authority of the people. So help me God."

"I, James D. Westcott, do solemnly promise and swear, that I will faithfully, impartially and justly, perform all the duties of the office of Secretary of Council, according to the best of my abilities and understanding. So help me God."

Sec. 66. *Sergeant-at-Arms.*

He is styled Sergeant-at-Arms because he is designated Sergeant-at-Arms of the Court of Appeals.

His duties. (*Vide* Doorkeeper *ante* page 197.)

Sec. 67. *Commitments in Council.*

"That no bill shall be committed or amended until it shall have been twice read, after which it may be referred to a Committee." *Rule 12 of Council.*

In Assembly a Bill may be committed at any stage of its progress.

Sec. 68. *Precedence of motions in Council.*

"That when a question is under debate, no

motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone for a time certain, or for the present, to commit or amend, or to postpone indefinitely, which several motions shall have precedence in the order in which they are here arranged." *Rule* 16 *of Council.*

Sec. 69. *Of voting and taking questions in Council.*

Whenever the yeas and nays are called in Council, the presiding officer will call the attention of Council by preceding the question with the word, "Councillors!" pronounced in a loud and distinct tone: as "this bill is on its third and last reading, the question will be on its final passage. Is Council ready for the question? Councillors! as many as are in favor of the final passage of this bill, when their names are called, will say aye. Those of a contrary opinion, will say, no. Shall this bill pass?"

This is invariably done in the Senate of the United States, the question, when the yeas and nays are called, being announced by the word, "Senators!" It is intended to call attention, and to inform members outside of the bar, that the house is about to be called.

Council vote on every question, *viva voce*, or on a call of the House. The members are never required to vote by rising, and their names are called in the order of Counties as aforesaid.

Sec. 70. *Committees in Council.*
Committees consist of but *two* members, unless otherwise specially ordered.

Sec. 71. *Previous Question in Council.*
"The previous question shall be in this form, 'shall the main question be now put?' and it shall only be admitted when demanded by *two thirds* of the members of Council present, and shall be decided without debate." *Rule* 18 *of Council.*

Sec. 72. *Oaths of Members of Council.*
(*See Ante*, 180.)

Sec. 73. *Second day of the Session in Council.*
On this day it is usually announced to the Chair, by a member, that the Governor elect is present in the ante-chamber of the hall. The Vice President announces the fact to the Council and asks "is it the pleasure of Council that the oaths of office be now administered to the Governor elect?" If "aye," he deputes a member to conduct the Governor elect to the Secretary's table, and when the Governor elect advances to the bar, announces "*the Governor elect?*" when the members rise, and continue standing, until the oaths of office are administered by the Vice President.

The oaths being administered, the Governor will subscribe the same on a scroll prepared for

that purpose, and the Vice President will conduct him to the chair.

Sec. 74. *Bills from Assembly in Council.*
Private Bills from Assembly are referred without motion, under the 24th rule. Public bills are only referred on motion.

Sec. 75. *Yeas and Nays in Council.*
Shall be entered on the Journals, if required, by *one* member *previous* to the call of the house. —*Rule* 7 *of Council.*

Sec. 76. *Dispensing with rules in Council.*
"No standing rule or order of Council shall be dispensed with, unless by assent of two thirds of the members *present*," "nor rescinded or amended without one day's notice given thereof."—*Rule* 14 *of Council.*

Sec. 77. *Preference of Bills in Council.*
Public bills shall have the preference of private bills, &c.—*Rule* 22 *of Council.*

Sec. 78. *Divorce Bills in Council.*
"That no bill for a divorce should be taken up on a second reading, unless it shall be made to appear by oath or affirmation, that the other party is not at the time of presenting the petition, a resident in the State of New Jersey, or, *if a* resident, that notice has been duly served

on him or her, of the intended application for a divorce."—*Rule* 25 *of Council.*

Sec. 79.—*Court of Appeals.*

"That the Governor and Council, (seven whereof shall be a quorum,) shall be the Court of Appeals, in the last resort, in all causes of law, as heretofore."—*Const. Art.* 9.

Terms, when and where held.

"That the Court of Appeals, in the last resort, in all causes of law, shall hold annually at Trenton, two terms, the one commencing the third Tuesday of May, and the other, the first Tuesday of November; but if the Legislature be elsewhere in session, at either of the said terms, the said Court shall, in such case, be held where the Legislature shall be so in session."—*Revised Laws*, 393, *Act of Jan. 29th, A. D.* 1799.

"That the Governor, for the time being, as often as the business of the said Court shall require, shall be, and hereby is, authorized, by and with the advice of the Council, or any three of them, to appoint one other time in every year, of holding the said Court: *Provided*, that previous notice, for at least *two** months, shall be given in one or more of the newspapers published in this State, of the time and place of holding said Court."—*Ibid.*

* Word "*one*" substituted for "*two*," by Supplement, Nov. 30th, A. D. 1825.

Court, shall not attend on the first day of the term, or time appointed for holding the same, it shall be lawful for the members attending, to adjourn the Court, from day to day, until a sufficient number shall attend; or to adjourn until the next term, in which case, the writs and process, then returnable, and all suits, pleadings, and proceedings, depending before the said Court, shall be continued, of course, till such subsequent term,"—*Revised Laws, Act of Feb. 1st, A. D.* 1799.

Errors in Supreme Court.

"That errors, happening in the Supreme Court of this State, shall be heard, rectified, and determined, in the Court of Appeals, in the last resort in all causes of law."—*Ibid.*

And proceedings thereon.—*Ibid.*

"That all persons aggrieved by any order or decree of the Court of Chancery, may appeal from the same, or any part thereof, to the Court of Appeals and Errors, before the Governor and Legislative Council of this State; and all appeals from the said Court of Chancery, except from final decrees, shall be made within thirty days, after making the order and decree complained of, and all appeal from final decrees, in the said Court, shall be made within three years after making such decree: *Provided*, that in cases where the person entitled to such appeal, from any final decree, be an infant, feme covert, or insane, he or she shall have three years to bring

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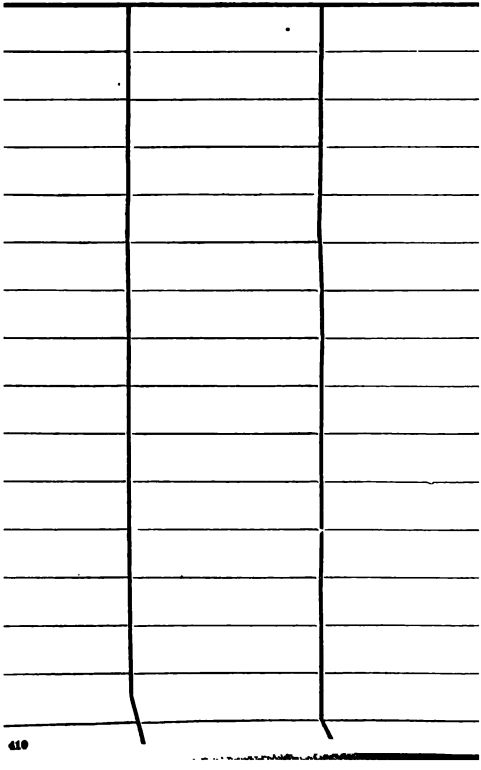

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